Gg. 622. 6 K. 8. 52

THE NEW MAN

OR,

A SVPPLICATION FROM AN vnknowne Person, a Roman Catholike vnto IAMES, *the Monarch of Great Brittaine, and* from him to the Emperour, Kings and Princes of the Christian World.

Touching

The causes and reasons that wil argue a necessity *of a Generall Councell to be forthwith assembled against* him that now vsurps the Papall Chaire, vnder the name of *Paul* the fifth.

Wherein are discouered more of the secret Iniquities *of that Chaire and Court, then hitherto their friends* feared, or their very aduersaries did suspect.

[By M. Becanus.]

Translated into English by *William Crashew* Batchelour in Diuinity, according to the Latine Copy sent from *Rome* into *England*.

LONDON,

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TO THE MOST INVINCIBLE, AND WIseſt King, and mighty Monarch IAMES *King of Great* Brittaine, &c.

THe buſineſſe of Religion, and the truth (moſt Noble King) is brought to that paſſe, that if it finde not a Patron & Promotor, it will preſently be in a deſperate caſe: for all men neglect the publique, and being wholly taken vp with their priuate ends, neuer take to heart what becomes of it: So it, that indeed is euery mans, is made no mans caſe.

It is now cleare, and none is ignorant of it (who cares to know any thing) that the church of Rome is deſtitute of a Paſtor, and all the world rings of the intruſion, Simony & Sluggiſhneſſe now raigning in Rome, and not a na-

tion in Europe, but talkes thereof, and how the Papacie is preyed vpon, conſumed and deuoured. This is euident and knowne to all that are wiſe, and diſcreetly obſerue the carriages and courſes of the world. And no leſſe is ſeene and obſerued, and euery day talkt on in the Courts, and at the Councell Tables euen of Catholique Princes: yet all holde their peace, and deepely diſſemble, and honour him as Pope, that now beares the name of Biſhop of Rome, though indeed and truth he be not ſo: Not one is found ſo bold and iuſt as to call the matter to the iudgement of lawfull Cenſors. *No alas, that ſeuere kinde of Magiſtrate,* (a ſupreme Cenſor) *is now out of vſe, which makes the World, and euen the Church it ſelfe ſo farre out of frame.*

Therefore in this neceſsitie God hath ſtirred vp me a New Man, & an vnknowne creature, *and hath ſo directed and inſpired my Pen, as I haue truely ſet downe all the cauſes and reaſons why a Generall Councell for an vniuerſall reformation ought neceſſarily with all ſpeed to be aſſembled, and hauing included them all in this preſent ſupplication, hath inboldned mee to giue notice of them vnto the*

whole

whole World, and in the name of the omnipotent and Almighty God, to maintaine them against all Gainesayers.

And seeing amongst all Princes professing Christian Religion, this our age findes onely you so incomparably happy (most mighty Prince) as that your Princely Minde & royall meanes are accompanied with exquisite learning in all kinds that may adorne a King. And that by your most learned Writings (the fruits of that learning) your Maiesty hath wonne the loue or at least the admiration of all Princes in the World, each one professing to honour your Maiesty with extraordinary obseruance and respect: I therefore held my labour would bee best bestowed in exhibiting this my present supplication and intimation, first of all to you (most wise and worthy King) that from you, and vnder your most renowned and glorious name it might be sent to the Emperour, and the rest of the Kings and Princes of Europe, who therefore will vndoubtedly with more applause receiue it, & with all attention & diligence read and peruse it: wherby we may hope that a holy free generall Councel shall at last be obtained (which is the supreme & soueraigne medicine for the Churches sicknes) *and*

the Church of Rome by the meanes and authoritie of your Maieſty be purged and reformed, Thus (happieſt King) I bid your Maieſtie right heartily well to fare. At Rome the Kalends of March. 1612.

Your excellent Maieſties moſt
deuoted Seruant

The New Man.

THE

TO THE RIGHT HONOVRABLE THE *highly honoured and much loued* George L. Marqueſſe of *Buckingham*, &c.

all true honour and happines.

Right Honourable,

AS this Booke in Latine was ſent to his Maieſty from one vnknowne to vs: ſo is the Engliſh ſent your Lordſhip from one not much knowne to you: He left it dying as a Legacy to his Maieſtie, I yet aliue ſend it as a liuing and laſting teſtimony of my loue and duety to your Lordſhip: and ſeeing the Latine was directed to his Maieſty, my hope is, his Highnes will neither hold it preſumption in your Lordſhip, nor indiſcretion in mee, that the Engliſh bee made yours. And indeed to whom ſhould ſuch a booke be ſent that ſo highly concerns Religion, but to the two high Patrons and protectors of Religion, his Maieſty next vnder God, and you next vnder him and his. accept right Honorable this *New Man* for a New-yeares guift, your Lordſhip may haue many richer in ſhew, but few in ſubſtance. Reade it (right noble Lord) and blame me if you hold not your time and labor well beſtowed. Two qualities, or rather a quantity and a quality commend it to your reading. It is ſhort and ſweet, for though it ſpeake of filthy men,

and foule matters (an vnſauoury ſubiect) yet was it euer welcome and well pleaſing to men of vnderſtanding, to ſee hypocrites vnmasked, & their wicked enimies diſcouer'd & diſcribed in their own colours: who be your Lordſhips enemies but his Maieſties? and who are his but Gods? and who Gods enemies, and his and yours, but the diuell, the Turke, the Pope and the Ieſuite? Now that Man of ſin the Pope, and his Throne that chaire of peſtilence and his traine and curſed court of *Rome*, the ancient enemy of this Crowne and Kingdome and Religion, were neuer ſo layd out to the worlds view in ſo full a meaſure, in ſo perfect colours, and in ſo litle a roome as in this book. And ſurely if your Lordſhip would hunt within doores this hard weather here is trim & true ſport indeed: for neuer were the Romiſh wolues & foxes ſo hunted by any of our wiſeſt and moſt earneſt hunters as here by this *Italian*, who was therefore better acquainted with their lurking holes and crafty euaſions: Good ſport it muſt needes be to ſee theſe great bloud-ſuckers of the Chriſtian world ferretted out ſo finely and ſo hotly purſued, and that by one of their owne bloud-hounds, who being well inured to their ſent, knew how to trace and folow them by the foot: who he was that wrote it, I wot not, nor can I gueſſe, if it were not that famous Doctor *Marta*: but your Lordſhip may learne this ſooner then I. Seeing vndoubtedly his Maieſtie knows it, and as we all good profeſſors of true Religion haue cauſe to bleſſe God for ſending his Maieſty the book, & humbly to thank his goodneſſe, who made that common that was his owne; ſo it beſeems vs not to ſearch into that his Maieſty pleaſeth to reſerue as a ſecret: I therefore turne

to

to my own taske,& do commend to your Lordſhips iudgmẽt theſe points,when you haue read this book.

1 Whether all the world as well as wee haue not cauſe to acknowledge his Maieſty a true defender of the Faith, and a zealous maintainer of his religion, who publiſhed this book to the wounding of popery euen at the heart, it being in his power to haue ſuppreſt it, and yet the world could neuer haue charged him with it.

2 Whether they can be ſound, ſincere, and faithful ſubiects,or true friends to his Maieſty,that ſpeak, or thinke,or conceiue,or hope otherwiſe of him.

3 That being true that is in the firſt chapter of this Booke auerred and maintained, whether it be not in the power of his Maieſty, and the King of *Spaine*, to ouerthrow the Pope,and popery,when it ſhall pleaſe God they come together.

4 If this Booke be true (as it appeares to be, ſeeing all theſe 9. yeres it was neuer diſproued) whether theſe be not wilfully blinded that will ſtill be Papiſts.

Noble Lord,as the world thanked his Maieſty for the booke in Latine, ſo is it my deſire your nation & all his Maieſties dominions, may thanke your Lordſhip for the ſame in Engliſh, & receiue it from your honorable hands as a pledge of that ſincere loue you beare to true religion: whereof as I was lately a willing witneſſe,ſo ſhall I not ſpare to ſpeake and ſpread it: and that God may confirme in you that his holy and good worke,there neuer ſhall want the daily and deuout praiers,together with the beſt ſeruice of your Lordſhips humble and faithfull ſeruant,

W. Crashaw.

To the Reader.

GOod Reader, be pleased further to obserue for thy better vnderstanding, that this Booke being sent his Maiestie in or about 1611. was in 1612. published by his Maiesties direction and authoritie; and was translated in 1616. and then allowed, and had then come forth in English, but that the coppy, by what accident I know not, nor by whose meanes was purloyned, and little better than lost for diuers yeares: and though now there be another Pope, yet the exceptions against the Papacie and Popish religion are still the same: Remember this as thou readest, and euer remember me to God in thy deuotions.

Thy Brother, desirous to be
a helper of thy faith,

w. Crashaw.

THE PVBLISHERS OF this Booke to the Reader.

FRiendly Reader, although to him that desires and longs to run ouer a new booke with all haste possible (as most men vse to doe) all stoppes and hinderances especially in the entrance and beginnings are most vnwelcome (in which respect, I will not holde thee from this so strange a Booke with a tedious Preface (which for the most part is odious) yet holde I it well worth my labour to write, and thine to reade, so much as shall shew thee certayne necessary circumstances, the vnderstanding whereof shall be to thee as a Torch in a darke night, and giue thee such light in reading, as you shall thinke the labour well bestowed, and not blame, but thanke him, who by this short Preface of one leafe keeps thee from reading this rare and vncouth booke.

As to the Author therefore of this book which is the first and principall and most remarkeable point; that which wee would haue thee know, is briefly thus much. He is not one of those whereof there are too many, who liuing in remote countries and climates, yet doubt not to write to all the worlds reading, the things themselues know not at all, & for which they haue no better euidence, but the fickle report of certaine partly

ignorant, partly idle headed Mates, who either totally deuise, or at least, by long carriage do improue and enlarge all their newes and narrations. But this Author, as he writes of Rome, and the things there done, so he liued in Rome, and was a member (and it seemes no meane one) euen in that gouernement and common-wealth, and in the daily company and conuersation of all those men, and euen in the bosoms of some of them, of whom he writes these strange matters, whereof we make thee partaker in this booke.

Now so it fell out, that not long agoe hee departing this life, left this booke, by him written, in the hands and keeping of a certaine speciall friend of his, whether casually, or on set purpose we know not. But he as it seems either not knowing, or litle regarding what it cõtained, or at least litle thinking it should euer haue been published, made it not dainty to deliuer it to an English Gentleman, then as it fell out, soiourning and remaining in that County, whether he gaue it him or lent it, or sold it, or exchanged it, wee cannot say. But in a word, from his owne hand he had it, and from him had wee it, and so by good hap it came into such hands as knew (in some measure) what vse to make of it: for hauing perused it aduisedly, we soone discouered in it many matters of no little moment, and well woorthy all mens knowledge; wee therefore hold it very expedient for vs, and no lesse welcome to the world to haue it published, and thereby made subiect to all mens view. And this we haue done according to the truth of the Authors owne Coppie, written as it seemes

ſeemes with his owne hand, without any deceitfull alteration of words or matter. And the more willingly entertained we this reſolution, inaſmuch as the Author himſelfe had it in his thoughts to haue publiſhed this Worke, and had deſired in his owne life time, to direct and dedicate it to his excellent Maieſtie of great *Brittaine*, as appeares by his owne Epiſtle here prefixed. Hauing therefore printed the Authors true Coppy, and that which himſelfe intended to publiſh, and directed it to no other but him to whom the Author himſelfe intended it, the world may be witneſſe with vs of our faire dealing: So far are we from giuing iuſt cauſe for any man to ſay, that either wee haue ranſackt, and robbed the Coffers and Deskes of a dead man, or that we diuulged ſuch things as he deſired to haue ſuppreſſed, when he cannot ſpeake nor pleade for himſelfe: (both which we confeſſe might worthily be held diſhoneſt trickes.)

And thus good Reader, we haue ſaid, and now withdrawing our Pen, intend not with a tedious Preamble (a thing iuſtly odious) longer to detaine thee from beeing better acquainted with this Booke. Now therefore ſet to it, *reade, marke, and maruell*, and ceaſe not till you come to the wiſhed end. *Farewell.*

THE

The Translatour to the Reader.

HEre (good Reader) thou haſt the Tower of Romiſh Babel, not ſhaken or battered, but euen caſt downe to the ground with their owne ordinance, euen the maine grounds of Popiſh Religion ouerthrowne by one of themſelues, and that altogether vpon their owne Principles, and by their owne Lawes: Neuer had Popery ſo great a foyle giuen it by it ſelfe. It therefore grieueth me that ſo rare a worke ſtould be kept and concealed from the eyes of my Engliſh brethren: I haue made the Tranſlation as iuſt to the Authors meaning as I could. And if I haue any time added any words for explanation, I haue marked it thus " in the margent. Farewel Chriſtian Reader, and ſtill pray for the full reuelation and confuſion of Antichriſt, for his time haſtens on.

THE

A Table of ſecrets diſcouered, and points handled in this Booke.

CHAP. I.

Exceptions againſt Sixtus 5. *and his ſucceſſors.*

1 THere is not, nor hath beene any true Pope in the Romane Church ſince the death of *Gregory* the 13. that is for theſe 30. yeeres and more. 1

2 *Sixtus Quintus* did clime into the Papacy by foule Symony, proued by promiſe and couenant vnder his hand. 2

3 By the Canon Law he that enters by Symony is no Pope 3.

4 *Sixtus* his Symony was notorious, for it was complained on to *Philip* the ſecond, King of *Spaine*, who thereupon, and ſeeing *Sixtus* ſimoniacall couenant vnder his hand, ſent to Rome, and ſummoned him to a Councell, to anſwer for himſelfe. 5

5 *Sixtus* ſo ſummoned, fell ſicke and dyed, or elſe tooke poyſon. 6

6 The Spaniſh King did the Pope no wrong in thus doing. 6

7 The Cardinals made by *Sixtus* were no Cardinals. 8

8 The Popes inſuing were all choſen by thoſe Cardinals, and conſequantly were no Popes. Becauſe

9 By the Canon Law none but Cardinals can chuſe the Pope. 9

10 The like Cardinals choſen by the like Popes to *Sixtus*, or not ſo ill, were iudged no Cardinals by former preſidents. 10

11 That it helpes them not in the law, that in common reputation they were held and taken for Cardinals. 11

12 The better ſort of them in Rome knew all this, and ſpake of it in ſecret. 14

13 Queſtion made in Spaine whether *Clement* the 8. was true Pope, and bookes written that he was not. 15

14 *Clement* the 8. his Election void for that another was canonically and lawfully choſen before him. 15

15 How foulely and corruptly matters are carryed in the Conclaue. 16

16 It is prooued out of the Canon Law that the Election of Cardinall *Sanseuernia*, who was choſen before *Clement*, was good in law. 17

17 How *Iohn* the 23. getting all the Cardinals to referre the election to him alone, choſe himſelfe Pope. 20

18 *Clement* ought by the Law much rather to haue beene put out of the Papacy then *Iohn* the 23. 20

19 *Clement* the 8. no lawfull Pope in 2. reſpects. 21

20 *Paul* the 5. no lawfull Pope, for that another was lawfully and canonically elected before him. 21

21 How Cardinall *Baronius* diſturbed that election. 22

22 What obſcene and filthy talkers the Cardinals be. 22

23 Matters done ſecretly in the Conclaue, are ſo kept for a time, but at laſt are knowne abroad, and that by 2. meanes.

1. By the Cardinals themſelues, telling their priuate friends and fauorites.

2 By their ſeruants who write all things, and after for mony giue out Copies. 23

CHAP. 2.

Of the preſent Popes Symonies.

24 PRoofes that the Pope is no Lord of all the World, and may be guilty of Symony. 24

25 How the Councell of *Baſil* depriued *Eugenius* the 4. partly for that crime, and the Councels decree againſt him heere ſet downe. 26

26 The horrible and vnheard of Symonies of *Paul* the preſent Pope. 26

27 A ſtrange tricke of the now Pope how to ſell all his liuings at a horrible rate. 27

28 All liuings whereof he is or can be made capable, hee giues to his Nephew (or ſonne) Cardinall *Borgheſi*: ſuch as hee cannot haue are ſold, as afore, to his benefit. 27

29 How

29 How the preſent Pope deludes the Councell of *Trent*, and by ſhifts ſeekes ſtarting holes, thereby to practiſe the Symonies that are by the Councell forbidden. 28

30 With what huge and monſtrous penſions to ſome of his Minions, the Pope chargeth euery good liuing in *Italy*. 29

31 He hath bought as much land for young *Borgheſi* as coſt him ſixteene hundred thouſand Scutes. 29

32 He hath built him a Palace bearing his name that coſt him three huudred thouſand. 29

33 He hath enriched him with moueables worth 600000. 29

Thus hee hath beſtowed of one Nephew fiue and twenty hundred thouſand Scutes, and all gotten out of Church liuings.

34 The *Borgheſies*, that is the preſent Popes Kindred, were but poore, and many of them Bankerouts when this man was made Pope, and now one Nephew of his is worth millions. 30

35 The Author names the ſecret Regiſters, where true notice of all theſe forenamed particulars may be had. 30

36 He ſhewes that many Spaniards are able to proue this if they be called to it. 31

37 That againſt a Symoniacall Pope, a generall Councell ought to be called, as againſt an Heretike. 31

38 The Symony and other irreligiouſneſſe in the Pope, kils all deuotion, and extinguiſheth godlineſſe in the Laity. 32

CHAP. 3.

Of other enormious practiſes of the preſent Pope.

39 THat when a Pope by his notorious crimes ſcandalizeth the Church, a Councell is to be called againſt him. 32

40 That when the chiefe members of the Church are ſcandalized, though of the Laity, the whole Church is truely ſaid to be ſcandalized. 33

41 A Councell hath power to correct and order the Pope, and if neede be to depose him. 34

42 The State of Venice made a Law that the Clergy should haue no more temporall Land, and should restore some of that they had. 34

43 They call Clergy men to their temporall Courts. 35

44 They professe they haue power ouer the Clergy also. 35

45 They lay them in prison if their faults require it. 35

46 They command them to absolue Penitents, and in some cases to discouer some confessions. 35

47 They restrain the power of the Popes ecclesiastical courts. 35

48 They professe they haue this power in all their Dominions, and that immediatly from God. 35

49 This Pope interdicted them, and called in the King of *Spain* to helpe against them, but soone after durst not stand to it, but was faine to absolue them, and pay their charges. 36

50 They of *Millaine* and *Florence* cause their Clergy to pay to publike workes. 36

51 They admit no Bull nor Breue from Rome, vnlesse first examined and allowed by their owne authority. 36

52 Those of *Luca* beat away their Bishop, and had hanged his Vicar general, if he had not fled for standing for the Pope against their Priuiledges. 36

53 They made their Clergy aske forgiuenes of the Senate. 36

54 In Italy few feare or care for the Popes Excommunication, no not the great Thunderbolt of *Bulla Cœna*. 36

55 The vice Roy of *Naples* committed certaine of the Popes owne Clergy to temporall Prisons. 36

56 He threatned the Popes Nuntio to throw him out at the Window, if he did not presently auoid when he came to petition for their deliuerance. 36

57 If Malefactors take sanctuary euen in Churches, hee will draw them out to execution. 37

58 The Ecclesiasticall Courts haue little businesse and lesse power in Italy. 37

59 This

59 This Pope will heare of nothing that may grieue him. 37
60 When Packets come from any Nation, or any Nuntio, Cardinall *Borgheſi* firſt opens them and lets him know what he thinks will not offend him, but no more. 37

By theſe eighteene Articles laſt paſt, let the wiſe Reader obſerue how the Popes Power decayes in Italy.

61 The Pope for his ſluggiſhnes and neglect of the Church, ought to be reformed or depoſed by a Councell. 38
62 *Sixtus* the 5. beſides his expences, debts payd, and great workes done, layd vp yeerely ten hundred thouſand Scutes. 39
63 The monthly expenſes of the Popes Palace haue vſually bin 50000. Scutes. 39
64 But ſuch is the baſe couetouſneſſe of this *Paul* to enrich his Kindred, that he hath brought it downe to 5000. 39
65 The Emperour and Chriſtian Princes may and ought to call the Popes to account what is done with the Treaſure of the Church. 39
66 This Pope giues leaue to Biſhops to morgage the profits of their Biſhoprickes for many yeeres together. 40
67 And when his fauorites haue ſo morgaged them, hee giues them others, and they leaue thoſe to others who haue the titles without reuenue. 40
68 He gaue leaue to Cardinall *Montalto* to morgage the reuenues of three Abbies, a thing ſo monſtrous as it was neuer done in the worſt times before. 41
69 Hee puniſheth no crimes of his Clergy nor Cardinalls though neuer ſo foule. 41
70 By ſo doing hee makes himſelfe ſubiect to be cald in queſtion by a Councell, 41
71 He ſuffers 2. Cardinals to lye continuall with their owne brothers wiues. 42
72 And one to practiſe Sodomy, and to keepe boyes for his abominable buggery. 42
37 A Cardinall now in the Roman Church, ſuch a ſhameleſſe

mite that scarce any yong Gentleman dare serue him or come neere him. 42

74 Hee made two boyes that way abused, to bee burnt in the backe, but sayd nothing to the Agents or Doers who abused them in that abominable kinde, which by the Law are farre the greater. 42

75 No iustice practised in this Court against any fault that hurts not himselfe, nor hinders his profite. 42

76 He neuer called in question her that poysoned his brother, because his Nephew *Borgheſi* had his hand in it. 42

77 The Author proues that by these his courses and conniuences he ought to answer before a Councell. 43

78 The Pope is not owner of the riches, nor Lord of all the liuings in the world, but onely the Steward. 44

79 And therefore he may not giue them to his carnall Kindred, nor otherwise at his pleasure. 44

80 All liuings, without cure hee giues to his Nephew *Borgheſi*. 44

81 None gets any liuings in the Popes gift, but from or by yong *Borhgeſi*. 45

82 Cardinall *Borgheſi* hath 250000. Scutes a yeere of Church liuings. *anno* 1612. 45

83 To other Cardinals he giues few liuings, and those little, if any great, he loades them with a good pension to *Borgheſi*. 45

84 Hee lets him take great Bishoprickes, and when greater fall to resigne the former, reseruing the greater part to himselfe, 45

85 Most of the Cardinals in the Court are but factors, or fauorites to Cardinall *Borgheſi*. 45

86 It is a rule with this Pope, and one of his pollices to keepe all the Cardinals he makes, rather poore then rich. 45

87 No liuing nor worthy reward is giuen in Rome to learning or learned men, but all for by respects. 46

88 The shamefull ignorance and illiterature of such as are ordinarily preferred at Rome. 46

89 The

89 The Author proueth that for these causes also he hath made himselfe subiect to a generall Councell. 47

90 There ought to be but 24. Cardinals in the Roman Church by the decree of the Councell of *Basil.* 48

91 And those ought to be taken out of all Nations, and of the learnedest, wisest, and worthiest men. 48

92 If vnworthy men be made Cardinals, the Church is wronged, and it is cause sufficient to call a Councell. 48

93 If the Pope when neede is, refuseth to call a Councell, hee is therefore to be suspected in his Religion. 49

94 This Pope makes Cardinals of most base and vnworthy men. 49

As 1. Such as haue no learning.

2. Such as haue no wisedome, nor care of the publike.

3. Such as be poore and will be content with any thing.

4. Young men for the most part.

5. And all these must come in by *Borgheſi:* that hereby hee may haue him Pope after himselfe. 50

95 Instance in many particulars, what base vnworthy, vnlearned Cardinals this Pope hath made 50

96 He makes Cardinals of Organists and Sollicitors: and one whose father or place of birth are not knowne, reade it and marke it well. 51

97 The notable plots of this Pope to make his Nephew (or his Bastard) *Borgheſi*, Pope after himselfe. 52

CHAP. 4.

How a Councell is to be called.

98 WHen the Pope and Cardinals be questioned it belongs not to them but to the Emperour to call a Coucell. 54

99 The Emperour is to see that the Pope hurt not the Church nor Christian faith. 55

100 He is a great part of the whole Councell, and hath power to be there in his owne right. 56

101 That in ancient times the calling of Councels belonged onely to the Emperour. 57
102 A Councell may be a lawfull Councell without the Pope or his authority- 58
103 A generall Councell hath his authority immediatly from Christ. 58
104 A generall Councell is of force enough though it be neither called nor confirmed by the Pope. 59

THE

THE NEVV MAN.

By the helpe of the holy Ghoſt.

CHAP. I.

Of the firſt cauſe of calling a generall Councell, for that ſince Gregory *the thirteenth there hath bin no true Pope: but all that haue ſucceeded him haue bin meere intruders into the Papacy.*

IF euer the ſtate of the vniuerſall Church was in perturbation, or euer needed commiſeration, then certainely it is in theſe our daies in a moſt deplorable caſe: for now the Church wants a true Paſtor. Intruders, *no better then either wolues or Theeues*, breake in and make a prey of the Papall place and dignity, and the Prelates with all the Clergy, ſet their hearts, and all their care on their owne profit and their priuate ends, further they looke not, further they care not, Religion and the common cauſe is no more at all by them regarded then it ſerues their owne turne.

2 For who of them can bee ſo ignorant, yea or once make doubt that *Sixtus Quintus* was choſen Pope vnlawfully, and entred by foule Simony. And if he be, then let them know from me

«(which I ſpeake not to informe them that know
«it well enough already, if they liſt to acknow-
«ledge it, but to let all the Chriſtian world know
«that which millions of mē neuer miſtruſted) that
when *Gregory* was deceaſed and the Cardinalls aſſembled in the *Conclaue* for the election of a new Pope, he being then the Cardinall of *Montalto*, that himſelfe might be choſen, plainly bought of *Aloiſius* the great Cardinall of *Aſte* his voyce, & the voyces of all the Cardinals depending of him, which were knowne to bee farre the greater number, and able to carry it with whomſoeuer they went. And in conſideration thereof he promiſed him not in a word alone, but open writing, ſubſcribed and ratified vnder his owne hand; that whereas there was a principall Prelate, one *Hieronimus Mathæus* whoſe poſſibiltie was great to be a Cardinall, but was then at no little oddes with Cardinall *Aloiſius*: *Sixtus*, I ſay, ſolemnely promiſed him that during his raigne hee would neuer make him Cardinall, if hee by his owne voyce and his complices would make him Pope. Cardinall *Aloiſius* accepted of the condition, & ſo the bargaine was concluded, and accordingly he gaue him his voyce, & got all his party and faction to doe the like, and ſo *Sixtus* carryed it from all competitors and was choſen Pope, which was ſo openly knowne that *Aloiſius* neuer made bones in a publicke preſence to ſay that *Pope Sixtus was his creature, and the worke of his owne hands*.

Aloiſius Cardinalis Eſtenſis.

3 This being true, as alas it is altogether vndeniable, all that are ſeene in the lawes cannot but know it is the very caſe in the Bull or Decree of

of Pope *Iulius* the ſecond, by him ſet out againſt Symoniacall elections of the Pope, which yet is in freſh memory, and hath been obſerued with great reſpect, till theſe ſhameleſſe times of late. Inſomuch as all the Cardinals at their very entrance into the Conclaue muſt firſt of all, by ſolemne oath, ſweare that they will ſeriouſly and faithfully take vpon them the preciſe obſeruation of the ſayd Bull. And for ſatisfaction to the world, how horribly *Sixtus Quintus* tranſgreſſed in this point, it ſhall not bee amiſſe to ſet downe the very words of the Conſtitution it ſelfe, as much as concernes the matter in queſtion.

The Bull of Pope Iulius *the ſecond touching the election of the Popes, and againſt Symony in the ſaid Elections.*

If it ſhall hereafter fall out through the diuels malice the enemy of mankinde, or the ambition or coueteouſneſſe of the chuſer, that when we or any our ſucceſſours ſhall by Gods appointment be remoued from the gouernment of the Church or earth: the election of the new Pope bee made and done, either by him that is ſo choſen, or by any other, or more of the Colledge of Cardinals by the hereſie of Simoniacall compact giuing, promiſing, or receiuing any goods of any kinde, or Lands, or Caſtles, or Offices, or Benefices, or by making of any other promiſe or obligation of what kind ſoeuer; whether they doe it by themſelues or by any other; by a few or by many: and whether that election bee accompliſhed by the voyces of two parts of the Cardinals diuided in three, or by the vniforme conſent and voyces of them all, whether it bee done by way of aſſump-

tion or adoration, yea though there be no Scripture made at all.

we determine, define, and declare,

That not onely the election or assumption so made shall be from that very moment voyde and of none effect. And no power or faculty shall accrew thereby to him so thrust in, of any administration, gouernment, or iurisdiction in matters spirituall or temporall. But also that it shall and may bee lawfull to any Cardinall present at the same election, to except against the sayd Intruder, and to call him into question for the crime of Simony as of a true and vndoubted heresie, that so being an hereticke hee may be of all men accounted and held as no Pope nor Bishop of Rome, &c. Neither shall such Simoniacall election be any time afterwards made good, by any subsequent inthronization, coronation, no nor by any adoration made, or obedience and homage done or sworne to him by the Cardinals; no not though it be done by the whole Colledge, nor by any action that may or can be done, nor by any continuance or course of time. But it shall and may be lawfull to all and euery Cardinall, yea euen to those that were present and consenting to the sayd Simoniacall election or assumption, not onely before, but euen after any such inthronization, Coronation, adoration, homage, or obedience done. And not to them alone, but to the whole clergy and people of Rome, and to all the subiects of the Roman Church: and to all the Lords, Gouernours, Captaines & Commanders as well of the City and Palace of S. *Angell* within the City, as of all other Castles, Towers, and Fortresses;

treſſes; and to all other Miniſters and Officers whatſoeuer to refuſe to yeeld him any Honour, Homage or Obedience, and to reuolt from him ſo choſen and inthronized, & from all obedience to him, and that ſafely and lawfully they may hold eſteeme, and eſchew him and all fellowſhip with him, as a Magitian, an Ethnick, a Publican, and an arch-Hereticke: And further, wee determine that by the authority hereof it ſhall, & may be lawfull to the Cardinals, euen thoſe that were preſent at the Simoniacall Election and conſented not therunto, & to thoſe that ſhall afterwards diſcent and depart from him to appoint forthwith a generall Councell, and to call and ſummon the ſame in ſuch conuenient place as to themſelues ſhall ſeeme expedient, &c.

Thus farre the words of the Popes decree.

4 Now if it be obiected that this decree binds not but where the fact is famous, euident and notorious, and this Simoniacall election of *Sixtus*, if any ſuch were, was carried in ſecret, and ſuppreſt in ſielence: It is anſwered, that contrariwiſe this fact of *Sixtus* his Simoniacall election, was made publike and notorious, for marke what followed *Sixtus* after his electiõ violated his faith, & broke his promiſe made to the Cardinal of *Aſte*, & contrary thereunto made *Hieronimus Matheus* Cardinall, which the Cardinall of *Aſte* tooke ſo to heart, that for very anger and griefe at the Popes treacherous vnfaithfulneſſe, and his enemies aduancement hee fell deadly ſicke, but before hee dyed; to recompence the new and ill made Pope as he had deſerued, he ſent the agreement and conenant he had of *Sixtus* to the Catholicke King,

Philip the ſecond, euen the very originall it ſelfe ſigned with *Sixtus* his own hands, who hereupon in the yeere 1589. ſent the Duke of *Sueſſe* to Rome as his Orator and Ambaſſador extraordinary to giue *Sixtus* notice hereof, and to intimate to him to the preſent neceſſity of *a generall Counſell*, for the declaration of his election to be Simoniacall, and to require the Lords, the Cardinals, ſuch as were created by his Predeceſſors, and to other the Prelates and Clergy to whom it belongs to appeare in the ſayd Councell, to be holden in *Spaine* at the city of *Siuill* in *Andalonzia*.

5 Now howſoeuer this buſineſſe thus began could not proceede to full effect, for that *Sixtus* vpon this intimation ma de to him, knowing he ſhould bee condemned by his owne hand, for « plaine feare and deſperation fell ſicke and dyed (hauing onely that way left by dying to preuent depriuing) yet by this beginning, his Simoniacall Couenant, and Election hereupon enſuing, was called into queſtion, or as the Lawyers ſay drawn into iudgement and made notorious. And admit the King of Spaine did more then hee ought in giuing him this intimation, and calling a Councell yet helps it not: for a fact is ſayd to bee made publike and notorious if once it be drawne into Iudgement, though the beginning of the proceſſe or proceeding therein be ſo farre vnlawfull, as that it be a nullitie in law, for it ſuffiſeth this purpoſe if it be called into publike queſtion, whether directly or indirectly, whether by a lawfull or vnlawfull Iudge it matters not.

6 But as this caſe ſtands it is worſe on *Sixtus* his

his side, for we are to know the Catholicke King did herein no more but right, for by the expresse law diuine, al Catholikes may lawfully rise against an Hereticall Pope, and that law of God is related in the body of the Canon Law. And in the case of Simoniacall election, that secular Princes haue power to call a Councell, it is the plain text of *Isidore* that ancient father, which also is related in the Canon Law, and there the Glosse writes the very speciall and particular case of Simony. And that the power of calling a Councell when the Cardinals refuse or neglect so to do, is immediatly, directly and lawfully deuolued vpon the secular Princes, is a case so plain and common amongst the learned, that he must needs be a stranger to the Law that knows it not: *Cataldus* proues it plaine, so doth *Petrus de Monte*, and Cardinall *Iacobatius* in his Treatise of Councels. Many more Authors might bee alledged to the same purpose, but the credit of these is such as these shall suffise, and in those it is not barely or by the way affirmed, but the case is argued and resolued.

In C. Si audieris. 23. q. 5. Isidorus de summo bono li. 3. relatus in cap. Principes seculi 22. q 5. & ibi gloss. in verbo intra eccleſiam. Cataldus de bon. com. pag. in tract. de potestate papæ anno. 63. Petrus de Monte in sua Monarchia conciliorum cap. de generalis concilij celebratione per totum. Card Iaco. in tract. conciliorum. lib. 3. art. 1. In §. liceat in fine.

7 To proceede therefore, *Sixtus* by the vertue of the foresayd constitution, which is inserted into the body of the Canon Law, being a Magitician, an Ethnicke, an arch-Hereticke, could not therefore nor had any power in him to create Cardinals, for as much as hee was *ipso facto*, despoiled and depriued of all iurisdiction, power and faculty spirituall and temporall, and all vse and exercise of any such iurisdiction spirituall or temporall, is by the law so farre forbidden him, that all and euery act and fact by him done in that kinde, are absolute nullities as done by him

that

that hath no power at all to do them.

8 Now from this ground thus layd, it followeth by infallible inference that all the Popes ſince *Sixtus* the fifth were intruders, and not one of them a true Pope: for after his death (harken "you Chriſtian Princes, who liuing farre from "Rome doe little know how matters are carried "there, and know the truth which none can tell "you, but one that liued there and ſaw it with his "owne eyes) after the death of *Sixtus* the fifth. Cardinall *Montalto* his Nephew entring the Conclaue with forty voyces in his faction, by the ſtrength wherof was elected *Vrbanus* the ſeuenth, who liuing but a few dayes, by the ſame meanes was choſen *Gregory* the fourteenth into his place, "who continued but ten moneths, after whom by "the ſame voyces entred *Innocentius* the eleuenth, "who held the Papacy but 2. moneths (as though "God by the death of foure Popes in one yeare "would let the Colledge of Cardinals and Clergy of Rome, and the whole Chriſtian world ſee and know that ſomething went wrong in the Church, and that in a high degree, but our happineſſe was not ſuch to haue it diſcouered. (You "that were farre off could not know the truth, and we that were preſent had not our eyes open to behold it, ſome blinded with one carnall affection, ſome with another.) All theſe thus dead, at laſt was choſen *Clement* the eight by the ſame "voyces, who by the iudgement and permiſſion of God continued this intruſion and vſurpation 13. yeeres. Now that none of theſe was nor could be true Pope; I thus demonſtrate.

This was Sixtus his nephew or ſon, whom he made Cardinall being Boy.

9 Vnto the election of all theſe concurred the

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by him that had no place nor power to make them But the Cardinals who made all thoſe Elections, were ſuch, being made as afore is ſhewed by *Sixtus* the fifth, who was no lawfull Pope, and therefore were no Cardinals indeede and truth, and conſequently the Elections by them made, were no elections, but abſolute nullities in the Law to all intents and purpoſes: for there is great difference betwixt true Cardinals excommunicated, and no Cardinals, and the conſtitution before named enableth Cardinals excommunicated to giue voyces, and to make lawfull Elections, but it doth not, nor cannot enable them that are no Cardinals at all.

10 Now that ſuch titular Cardinals as were created by him that is no true Pope, are no true Cardinals, and conſequently can giue no voyce, nor make any lawfull or good Election, appeares euidently enough by the continuall preſidents of former times in the Romane Church: for when *Gregory* the twelfth, who was indeed a true and lawfull Pope, had renounced the Popedome in the Councell of *Conſtance*; for pacifying the Schiſme, and ſetling the peace of the Church, and afterward repenting by ill aduice what hee had done, reuoked his reſignation, would be Pope ſtill, and accordingly created diuers Cardinals: It was then concluded and reſolued by the whole Church after great deliberation, that hee could make none, and that all ſo by him created were no Cardinals, and ſo were held, iudged and reputed (as appeareth in the publique words of the ſaid Councell) and the reaſon is giuen, for that they were created by him who then was no Pope, and conſequently had no power in him

to

to create Cardinals. And in like caſe hee that was called during the ſame Schiſme. *Benedict* the 13. ſitting at *Auinion*, created diuers Cardinals, but foraſmuch as he was iudged no true Pope, but an Antipope, and an Vſurper, therefore all by him created were no Cardinals, and ſo were held and reputed to their dying day. And to conclude, when after the death of *Alexander* the fifth, he that was called *Iohn* the 23. in the time of that long and miſerable Schiſme, intruded himſelfe vnlawfully into the Papacy at *Bononia*, where he then was Legate, and ſo being Pope, created diuers Cardinals, they were all reputed, and iudged to be no cardinals in the Councell of *Conſtance*, and a new and true Pope was then choſen; namely *Martin* the fifth, not by the ſayd Cardinals, (becauſe they had no power) but by the whole Councel: from al which, and more that might be produced of the like nature, it euidently followeth, that the Cardinals ſo called, created by *Sixtus* the fifth, being no true Pope, are no Cardinals, and conſequently can not make election of a Pope, and therefore all ſo choſen were no Popes, but meere Intruders, Idols and Vſurpers.

11 And if it be obiected, that thoſe Cardinals ſo made by *Sixtus* the fifth, were after his death publiquely held and reputed true Cardinals by common eſtimation, and therefore their acts and doings cannot, nor may not, by the rule of the Ciuill Law be called in queſtion. By force of which rule the Lawyers prooue, that publique deedes which concerne the generall good done by them that had no lawfull power, are to be tollerated, and not to bee further queſtioned: It will doe no good in this caſe,

Per regulam l. Barbarius F. de officio: pertoris communis error facit Ius.

for that rule of the Law was made touching matters temporall, but it holdes not in matters Eccleſiaſticall, wherein no errour may be admitted to take place, though neuer ſo common and vniuerſall. Be it neuer ſo common and vniuerſally receiued, yet can it not therefore in matters ſpirituall make good the facts of any perſons, doing that which by the Law he was not inabled to doe, as appeareth by the Gloſſe in the Canon Law, which alſo produceth diuers great Doctors for the ſame. Nay contrariwiſe in matters ſpirituall, the truth preuaileth ouer any opinion though neuer ſo common, as alſo appeareth in the ſame Gloſſe; agreeable vnto which Gloſſe the great Doctors of the Canon Law, *Archidiaconus*, *Geminianus*, *Francus*, *Anchoranus*, and others doe teach with one conſent: And one other of them being conſulted in a caſe that reacheth home to this point, gaue this reſolution, that one admitted into holy Orders by one that in common eſtimation was held a Biſhop, but indeed was none, was thereby not made vnfit to contract Matrimony, and therefore that the marriage contracted by ſuch a one, was not to be diſſolued, for that he was not in holy Orders, although hee that ordained him was holden of all men to be a Biſhop. And the very ſame opinion is holden in the Gloſſe, where it is ſayd, that in matters ſpirituall, wee muſt ſtand to the truth, not to preſumption or common opinion, yea though that opinion were raiſed vpon a ſentence or iudgement. And of the ſame minde is *Innocentius* himſelfe a Pope and a great Lawyer: and *Baldus* and *Barbarius*, who doe teach expreſly and fully to this point, that the facts done by one

Gloſſ. in c. vnico. in ver approbatis de voto l. 6 quæ allegat Taucredum & Bar. Brixienſem in ſuis queſtionibus.

Archi ac ſuper verbum ſuſceptionem. Io. And. Cemitianus Philip Franchus & Ancharan ibidem Fredericus de ſenis. concil. 30.

Gloſſ in 5 his ita reſpondetus l. 45. q. 9. in fine Gloſſ.

that

that is a ſecret Symoniſt (that is guilty of Symonie indeed; but not known nor held to be ſo) are of force and validitie if they be temporall; but not ſo if ſpirituall, becauſe ſaith hee, *No man giueth to another what he hath not himſelfe.* He therefore being by his Symonie, himſelfe out of the Church, cannot haue or exerciſe any iuriſdiction in the Church. Whereupon it followeth, that much leſſe can they that are not true Cardinals haue any voyces in the Popes Election, being a matter ſpirituall, and that of ſo high and excellent a degree.

Innocent. in c. init. col. 2 de elect. Baldus in l. 2. in princip. c de ſentent. & in repet. d l. Barbarius col. 2.

12 Moreouer, admitting the aforeſaid rule in the very words of it, yet to make it a *Common Errour* there is alſo required the probable and likely ignorance of the world, for if there be ſuſpition or likelyhoode that they know, or may know the contrary, then is not properly a common or vniuerſall errour. For errour muſt preſuppoſe ignorance which is the mother of errour: and ſo doe all Interpreters vpon that place take and expound it. But for this caſe of *Sixtus*, the people of *Rome* were ſo farre from being probably ignorant, that rather they certainely were perſwaded of the trueth: for who can be ſayd to be probable ignorant? nay, who could not but well enough know that *Sixtus* could not create a Cardinall, when the *Catholique King* publiſhed, and as it were proclaymed in *Rome*, that a generall Councell was to be called againſt him, as an Intruder into the Papacie, and ſent a great perſon his publique Embaſſadour to the whole Court of *Rome* for that purpoſe, and the matter was debated more or leſſe at euery Congregation, Conſiſtorie, and Court of Iuſtice. Now

when the people and ſubiects of the Pope haue not a ſuſpition onely, but ſuch particular knowledge that hee was no true Pope, then it is a cleare caſe, that all his deedes and actions ſpirituall are of no force nor efficacie, nor onely in the Law and in the exteriour Court, but not ſo much as in the Court of Conſcience, nor in matters meerely of the ſoule, as a famous French Lawyer, in his deciſions proueth at large. And if it bee ſayd, that the people of *Rome* talked not openly, nor ſeemed to take notice of any ſuch matter: the anſwer is eaſie, that the queſtion is not, what they talked of, but what they knew; and wiſe men know many things they ſpeake not of, and the reaſon is ready, for thought is free, but ſo is not ſpeech, the trueth whereof was well ſeene in *Rome*, for you may bee aſſured they that knew ſo much, would bee free enough to thinke, and (it may be) ſpared not to ſpeake alſo in ſecret; but no maruell if no man openly talked of it, when it concerned no leſſe then his life, for hee had beene ſure to be found guilty of high treaſon, who had but once touched on this ſtring. But that this ſilence proceeded not of ignorance, but from feare, appeareth in that when afterwards *Clement* the eight beeing made by thoſe Cardinals whom *Sixtus* the fifth created, did reconcile and abſolue *Henry* then the King of *Nauarre*, that ſo beeing diſcharged of the Excommunication, hee might bee capable of the Kingdome of *France*, there were not a few in *Spaine* where they are not the Popes ſubiects (and therefore dare ſpeake the trueth of him without feare of treaſon,) who openly vndertooke the defence of this Concluſion, that *Clement was not lawfully*

Note this well.

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C ordinatio-nis 9 q. 1. de ſchiſmaticis.

13 And as for the Election of Pope *Clement* it is void alſo in another reſpect, and an abſolute nullitie, for two parts of the Cardinals concurred with one conſent vpon another : namely Cardinall *San-ſeuerina* : for they called him by name, they tooke and led him to the Chappell of S. *Paul*, the place where they performe their ceremony of adoration to the new elect Pope: here they make him ſit in the Popes chaire of Eſtate, and by publique ſcrutiny they proclaime him Pope : and that this makes a full and legall election of a Pope, the Text of the Law expreſſely teacheth in theſe words :

C. licet de vitanda de electione.

He whoſhal be elected and receiued by two parts of the Cardinals, with vniforme conſent let him be held and receiued of the whole and vniuerſall Church as true Pope, without all queſtion or contradiction.

But the Cardinall *San-ſeuerina* was choſen by two parts of the Cardinalls with full conſent and by them conducted and placed in the Popes Seate : therefore hee was lawfully choſen Pope, and ſo ought to haue beene accepted and taken of the whole Church. How then came it to paſſe hee was not ſo? Let your Maieſtie be pleaſed to heare with patience, and I will diſcouer vnto you how crookedly

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crookedly and corruptly matters are carried in the Conclaue in theſe euill dayes. When this was done, and whilſt the reſt of the Cardinalls that were without were expected (for ſuch is the cuſtome, that when two parts haue made election, the third part which conſented not, but could not hinder, are expected to come into the place, where the new Elect is adored by the two parts that choſe him, and from whence the Election is to be publiſhed, that ſo all being together, the Election may be ſayd to be made by all, without contradiction of any man.) Now whileſt the third part were expected to come in, there came into the Chappell Cardinall *Geſnaldus* and *Sfortia*, the former whereof was Deane of the Colledge of Cardinalls, and by a crafty and wicked deuice diſturbed the Election in trueth and in Law already made: and thus it was; Cardinall *Geſnaldus* cries alowd; My Lords, let vs number the voyces, to ſee if two full parts haue conſented; whereupon hee beganne to count, not haſting to make an end, but leaſurely proceeding, with intermiſſions and delayes, which hee did purpoſely, and to a crafty end, that Cardinall *Sfortia* might alſo haue time to play his part, which hee did not faile to doe; for in that meane time hee had got two of the Cardinalls out of the Chappell who had giuen their voyces, and carried them with him into another place called *Sala Regia*; and leauing them there, hee returned vnto the reſt, and largely layeth open vnto them the rigour and ſeueritie of *San-Seuerina*, for indeede they feared his iuſtice, as many of them (no doubt) had good cauſe, he beeing an vpright and a iuſt man, and too good

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is ſeemed to be Pope ouer a number of [illegible] worthy Cardinals, as moſt of them euen there ſhewed themſelues. For herupon the greater part of thē moſt perfidiouſly got them out of the Chappell, and aſſembling together with thoſe, made a new election of the Cardinall *Aldobrandine*, who was called *Clement* the eight. And this is the truth of that buſineſſe.

14 Now that the former election of Cardinall *San-ſeuerine* was good and effectuall in law, it is a cleare caſe for the voyces that choſe him were for number complete and ſufficient when they pronounced him for Pope, and ſet him in the chayre. And as for the ceremonious ſolemnitie vſed in the elections, that all the Cardinals ſitting in their order together with him that is to be choſen, euery one in order ſhall ſay: *I ſuch a one chuſe ſuch a one to bee Pope*: and that the Secretary of the *Conclaue* ſhall take the ſcrutiny, and write downe euery mans voyce, it is not an eſſentiall part of the election, or neceſſarily and eſſentially required to make an election: for the expreſſe words of the text, do declare, define and peremptorily pronounce him to bee Pope and head of the vniuerſall church, inſtantly and as ſoone as he is choſen and receiued by two parts of the Cardinals: and he is then by the law ſayd to be receiued or accepted of the Cardinals, when they take him and conuay him to the chappell aforenamed and make him ſit downe in the Popes ſeate, and he is ſayd to be choſen or elected, when the ſayd two parts declare their conſent and agreement vpon him to be Pope. Now all theſe concurred in & vpon the cardinal *San-ſeuerina*, &

Text. d. c. licet de vitanda.

Abb. in d. c. licet de vit and a nu. 13. ver. sed si est factum per &c. de elect. Bulla Iulij 2. § ver. etiam per.

when the election is thus done by publike and open denunciation and assumption, there need no scrutinies to take the voyces as is cleere by the law. And this is one way of chusing the Pope, & is called the way of Assumption, wherof also mention is made in the foresayd Bull of *Iulius* the second. And by this way which is as sufficient and effectuall in law as the other, was Cardinall *San Severine* chosen and wanted nothing, required by law to the essence of a true election, but onely some formality, which by the law is not necessary. Nor is it materiall to say he wanted inthronization or adoration, or kissing of his foote, for all these are but effects and consequences of a true election, but not essentiall to the election, & are appointed to bee done to him that is elected, but do not helpe forward his election, and the election is properly held done and perfected before they bee performed, as any man may see in the aforesayd Bull of *Iulius* the second. Neither is the calling together of all the Cardinals necessarily required, for it is expressly commanded in no law, and as for the text of the canon law, called *Licet de vitanda*, it shewes the validitie of the election, as is soundly proued by Cardinall *Iacobatius*, who shewes that at least a Councell is to bee called to declare whether the election bee good or no, and that they may not proceed to the election of another. The election therefore thus made of *Clement* is to bee held a nullitie as being done by deceit and fraude, according to the expresse text of the law layd downe in these words:

Textus in d. c. licet de vitand'a Iacobat. Card. in d tract. de concill. part. 3. arl. 4. nu. 154. & seq. In c. in nomine domini. dist. 23.

But if any shall be elected, ordained, or inthronized Pope through sedition, presumption, or any inge-

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ny or tricke of wit contrary to this our sentence and Synodicall decree pronounced in open councell: By the authoritie of God and his holy Apostles Peter and Paul, we pronounce him subject to the great curse, and separated by perpetuall Anathema from all societie with Gods Church together with all his authors, factors and abettors as an Antichrist an intruder, and a destroyer of the Christian religion, &c.

And after Cardinall *Hostiensis* the great Doctor called the Abbot in his Commentaries on the text, expound the word Ingeny to be craft, collusion and deceit, and such like was the election of *Iohn* the two and twentyeth, that was after condemned in the *Councell of Basil*: for when after the death of *Alexander* the fifth, the Cardinals assembled at *Bononia*, and consulted about the choyse of a new: Cardinall *Cossa* who then was Legate there, a man potent and warlicke, obtained of the Electors by his greatnesse that they would commit the whole power of the election to him, which they had no sooner granted him, but he forthwith elected himselfe: and the Archbishop of *Florence*, *Antoninus* goes about to proue out of the aforesayd chapter, that the election was good. But for asmuch as vpon examination of the matter in publike Councell, it was found to be compassed by fraud, and deceitfull trickes, he was therefore depriued by the Councell. Now this ought much more to bee in his case, namely that *Clement* ought to haue beene depriued, because here another was truly, lawfully, and canonically elected.

Abb. in d. c. licet de vitand a nu. 11. ver. exposuit Rossiensis.

Or Iohn the 23. or Constance.

Anton. Floren Histor. part. 3. tit. 21. c. 24.

The conclusion then is, that *Clement* cannot

be called nor held a true Pope, both for that he was chosen by such as had no power to chuse, as also because that choyce by them made, was wrought by fraude and deceite, and to the iniury of another lawfully chosen before, and was therefore voyde, though it had beene done by such as had beene lawfully enabled to make election. For though the law command that no exception bee made against a Pope once made, howsoeuer hee bee chosen, yet that the Law meaneth of other errors or imperfections in the election, which do but darken the beauty of an election, and not these two, when either the Electors haue no power, or that it is compassed by fraud, which destroy the very nature of an election, appeares by another law, by vertue whereof an exception made against such an election is admitted for good, as also one of the greatest commenters vpō that former law it self doth euidently proue.

Indicto c. licet de vitanda.

D. cap. In nomine domini. Ab in d. c. licet de vitanda.

15 To proceed. Successiuely *Paul* the fifth that now is, cannot be called nor held the true Pope, seeing he also was chosen by the same Cardinals who were no true Cardinals, and therefore had no power to chuse. But besides that, there is also another cracke and flaw in his election. For when after *Clements* death 61. Cardinals consulted in the Conclaue, touching one to be his successour, at last after good and mature deliberation 44. Cardinals, who make two full parts of 61. agreed vpon the Cardinall of *Florence*, and tooke him though sicke and lying in his bed, and made him be carryed into the Chappell of *Sixtus*, that they might inthrone & adore him as Pope, and whilst according to the custome they expected the rest

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who being ſcarce a third part, could not hinder the Election thus already made; the other two parts in the meane time did vſe the *Florentine* Cardinall as Pope, and accordingly demeaned themſelues towards him, ſome exhibited Petitions to him, ſome begged one fauour, ſome another. But ſee how it fell out. Amongſt them that were of the other third part, & were now a comming, were Cardinall *Baronius*, and with him Cardinal *Iuſtinian*, & *Montalto*, and euen as they were at the doore of the Chappel where the new elect Pope was with his Electors, *Baronius* cryed out with a loud voice that they all might heare.

What? will you ſhame vs all? will you chuſe ſuch a one Pope as in all his talke, at euery word, ſpeakes baudily and filthily to the great ſcandal and ſhame of all Chriſtians?

In omni verbo miſcet priapum.

And indeed ſuch kind of talke is ſo little regarded in *Lumbardy* (of which Prouince this Cardinall was) that it is the common and ordinary cuſtome in moſt mens mouthes. Vpon which words and other by him clamorouſly bluſtered out, all the 44. Cardinals which had elected him, perfidiouſly forſooke him, whom before they had lawfully choſen, and leauing the poore *Tuſcan* Pope in his bed to wraſtle with his Feauor, went out, & preſently as the plot was laid, choſe Cardinal *Borgheſius* by publike acclamation, and carrying him to another Chappell in the Conclaue, did there performe to him the vſuall adoration. All which conſidered, & the truth thereof being vnfallible, it followeth for certain truth, that all the reaſons & exceptions formerly made againſt *Clement*, are rather ſtronger againſt this

16 Now to conclude, ſeeing all theſe particulars againſt *Sixtus*, *Clement*, and *Paul*, & the Cardinals created by *Sixtus* are notorious & known, there needs for their conuiction no more but allegation, for the Law is cleere that in crimes notorious, neither Libell, nor formality of accuſation are neceſſarily required, eſpecially in the caſe of ſuch crimes as concerne the publicke and generall good to haue them diſcouered and puniſhed. And it is alſo cleere, that in ſuch a caſe a Councell may proceede by way of inquiſition, for it ſufficeth, that that which is notorious bee but alledged and propounded, as all Lawyers do teach. And ſo much the rather, for that thoſe things I haue thus declared, cannot be cald into doubt or queſtion. For if any man obiect that theſe things were done in the Conclaue, and therefore though they were true, yet were done in ſuch ſecrecy, that to me and others no Cardinals they could not bee knowne: let him know that matters done in the Conclaue, be they good or bad, direct or indirect, vpright or corrupt are alwaies kept ſecret, or at leaſt preſumed ſo to be, whilſt the Conclaue is ſhut: But when it is opened, the election done, and the Cardinals are out, they tell all things, ſome one thing, ſome another; ſome to one friend, ſome to another (as it is for the moſt part in all Councels, Parliaments, and Councell tables) and ſo all things come out by degrees, and come to be knowne, eſpecially to ſuch as are giuen to obſerue and inquire into ſuch proceedings. And beſides, each Cardinal hath two ſeruants attending him in the Conclaue, theſe vſe to write exactly all the paſſa-

Butrio. in cap. veſtra de cohabet cler. & mulier.

Butrio. ibi. ver. venio ad quartari.

Clem. appellante de appellat. & plura ad hoc per Iacob Card. de Concil. l. 3. art. 1. nu. 141. & ſeq.

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ges and acts done euery day, and afterwards for mony giue out Copies, whereof you may be ſure there will be buyers enow, and no man needs to doubt but he that will giue Gold enough ſhall haue perfect notice, and full declaration of the moſt ſecret matters that haue at any time paſt, during the whole time they were ſhut vp.

CHAP. II.

Another cauſe and matter prooning the neceſsity of a generall Councell, in regard of the notorious Symony of Paul *the fifth, the preſent Pope.*

LEt your Maieſtie be pleaſed I beſeech you, diligently to reade, and aduiſedly to conſider the enſuing reaſons and allegations that I heere propound and declare againſt the Intruder now aliue, and vſurping the Papacy vnder the name of *Paul* the fifth, whereupon, and for which it cannot be denyed, but that a Councell ought of neceſſity to be called. And firſt of all, let this be preſuppoſed and laid downe for a ground & Maxime (whatſoeuer any filthy flattering Paraſites imagine, ſpeake or write to the contrary) that the Pope as Pope is not free from the crime of Symony, nor exempted from exception in that caſe, as *Aquinas* proues at large, concluding and reſoluing that the Pope as well as any other may incurre the vice, and come within the compaſſe of the crime of Symony. Now this crime is ſo much the greater and fouler, the greater the perſon is, and the more

Aquin. Sum. 2. 2. 100. art. 2. ad 7.

more eminent place he holds that is guilty of it. And for better illuſtration of this ground, wee muſt know that howſoeuer the benefices, treaſure and riches of the Church are the Popes as principall Steward, and diſpenſer of the ſame, yet are they not, nor do they belong any way to him, as Lord, owner, and poſſeſſor of them: If therefore the Pope takes money for any thing ſpirituall, he intangles himſelfe, and incurres the crime of Symony. Of this opinion are all the Diuines that write vpon the place of *Aquinas*, as Cardinall *Caietane*, and the reſt. And the ſame *Aquinas* in another place teacheth the very ſame doctrine, and that doctrine is agreeable to the Canon Law it ſelfe, and that Canon Law is taken out of an ancient Councell, where according to Saint *Hieroms* tranſlation, all the old high Prieſts are recounted, and then it is ſaid: Let no man doubt but for the ſinnes of the high Prieſts laid downe in this Chapter (of which Symony was a chiefe) *Hieruſalem* was deſtroyed: And to ſhew that the ſame doctrine and law ſtands ſtill in force. The Councell of *Baſil*, euen for this crime and ſinne of Symony, called in queſtion, examined, conuicted, and condemned *Eugenius* the fourth then Pope, and depriued him of the Papacy. The words of the Councels decree are theſe:

Conſil. Baſil. ſeſſ. 34

By this definitiue ſentence of the great and vniuerſall holy Councell, which is heere recorded in writing for all the world to know, and all Poſterities to take notice of, the Councell pronounceth, decreeeth, and declareth, Gabriel *formerly called Pope* Eugenius *the fourth, to haue beene, and to bee a notorious*

notorious and manifeſt, and contumatious rebell to the warnings and commandements of the vniuerſall Church, and that he ſtill perſiſts in the ſaid open rebellion and diſobedience, and doth therfore condemne him for a wilfull contemner and violater of the holy ancient Canons, a perturber of the peace and vnitie of the Church, a notorious ſcandalizer of the vniuerſall Church, a periured, incorrigible, and ſchiſmatical Symoniſt, and therfore a forſaker of the faith, an heritick, a didapidator, & conſumer of the rights and riches of the Church committed to his truſt, and hath thereby made himſelfe an vnprofitable member, and not onely vnworthy and vnfit for the Papall power, but of all other title, degree, honor or dignitie Eccleſiaſticall. Whom the aforeſaid holy and generall Councell doth by the power of the holy Ghoſt declare and pronounce to be by the Law depriued of the Papacy and Biſhoppricke of Rome, and by theſe preſents it doth remoue, depoſe, deprive, and throw him out.

Hitherto the words of the Councell.

2 All the learned know this to be true. Now will I make plaine & diſcouer to them what they doe not know, by ſhewing that the like Symony was neuer committed in the Church in any ages paſt, as hath bene hitherto, and is ſtill daily practiſed by this preſent Pope. In the Datary, which is an office at Rome, wherein all matters of benefices and buſineſſes of that kind are expedited, this is the courſe & cuſtome at this day, it is duly obſerued that the benefices belonging to the Popes collation, whether reſerued to his gift, or falling void in the moath, that belongs to the Papacy; which in regard of their farre diſtance

more eminent place he holds that is guilty of it. And for better illuſtration of this ground, wee muſt know that howſoeuer the benefices, treaſure and riches of the Church are the Popes as principall Steward, and diſpenſer of the ſame, yet are they not, nor do they belong any way to him, as Lord, owner, and poſſeſſor of them: If therefore the Pope takes money for any thing ſpirituall, he intangles himſelfe, and incurres the crime of Symony. Of this opinion are all the Diuines that write vpon the place of *Aquinas*, as Cardinall *Caietane*, and the reſt. And the ſame *Aquinas* in another place teacheth the very ſame doctrine, and that doctrine is agreeable to the Canon Law it ſelfe, and that Canon Law is taken out of an ancient Councell, where according to Saint *Hieroms* tranſlation, all the old high Prieſts are recounted, and then it is ſaid: Let no man doubt but for the ſinnes of the high Prieſts laid downe in this Chapter (of which Symony was a chiefe) *Hieruſalem* was deſtroyed: And to ſhew that the ſame doctrine and law ſtands ſtill in force. The Councell of *Baſil*, euen for this crime and ſinne of Symony, called in queſtion, examined, conuicted, and condemned *Eugenius* the fourth then Pope, and depriued him of the Papacy. The words of the Councels decree are theſe:

Conſil. Baſil. ſeſſ. 34. *By this definitiue ſentence of the great and vniuerſall holy Counceil, which is heere recorded in writing for all the world to know, and all Poſterities to take notice of, the Councell pronounceth, decreeeth, and declareth,* Gabriel *formerly called Pope* Eugenius *the fourth, to haue beene, and to bee a notorious*

notorious and manifeſt, and contumatious rebell to the warnings and commandements of the vniuerſall Church, and that he ſtill perſiſts in the ſaid open rebellion and diſobedience, and doth therfore condemne him for a wilfull contemner and violater of the holy auciem Canons, a perturber of the peace and vnitie of the Church, a notorious ſcandalizer of the vniuerſall Church, a periured, incorrigible, and ſchiſmatical Symoniſt, and therfore a forſaker of the faith, an heritick, a didapidator, & conſumer of the rights and riches of the Church committed to his truſt, and hath thereby made himſelfe an vnprofitable member, and not onely vnworthy and vnfit for the Papall power, but of all other title, degree, honor or dignitie Eccleſiaſticall. Whom the aforeſaid holy and generall Councell doth by the power of the holy Ghoſt declare and pronounce to be by the Law depriued of the Papacy and Biſhoppricke of Rome, and by theſe preſents it doth remoue, depoſe, depriue, and throw him out.

Hitherto the words of the Councell.

2 All the learned know this to be true. Now will I make plaine & diſcouer to them what they doe not know, by ſhewing that the like Symony was neuer committed in the Church in any ages paſt, as hath bene hitherto, and is ſtill daily practiſed by this preſent Pope. In the Datary, which is an office at Rome, wherein all matters of benefices and buſineſſes of that kind are expedited, this is the courſe & cuſtome at this day, it is duly obſerued that the benefices belonging to the Popes collation, whether reſerued to his gift, or falling void in the mouth, that belongs to the Papacy; which in regard of their farre diſtance

Or elſe his Sonne.

from Rome, or for that they are with Cure, cannot be giuen to his Nephew *Borgheſius*, are giuen to ſome of the ſutors, or Competitors that are of that Country or next adioyning to it, for they take order that none be beſtowed preſently, but lye vacant for a time, that ſo a whole concourſe of Competitors may flock together for it: which is not done for any good end, that ſo they might know the difference of the ſutors, and giue it to the worthieſt, as by the decree of the holy Councell of *Trent* they ought to do, but that they may learne who is the richeſt, and ſo may know how to make the beſt bargaine: To which end the time of this confluence or competition is appointed at a certaine day, wherof publike notice is giuen, that ſo all ſutors may come, and that the Officers of the Datary, may learne in that meane time, which of all that ſeeke it are beſt able to buy out and extinguiſh the penſion that is laid vpon that liuing, for this is the faſhion now in vſe, the Pope chargeth euery liuing in his gift, with a penſion more or leſſe, ordinarily it amounts to the halfe of the whole value of the benefice, if but to a third part, it is held eaſie and fauorable, but ſometimes it extends to two parts of the whole, deuided into three, which done, he prouides by another ordination, that by preſent payment of fiue yeeres profit, the penſion ſhall be extinguiſhed. Now when by this concourſe & compariſon of Competitors, they haue found out which of them all is beſt able to buy it out, to him preſently it is conferred, and ſo in ſtead of the worthieſt, the wealthieſt carries it away, for all that ſtay and delay, and making many ſue for it, is not to finde out the worthineſſe of the perſon, but the wealth-

of

of his eſtate to whom they giue it: And thus are all the Popes liuings beſtowed at Rome. Now he that comes thus to a Benefice by paying downe fiue yeeres penſion aforehand, buyes it ful deere, for he payes for it at the rate of thirty in the hundred, ouer and beſides his perſonall ſeruice, and diſcharge of the Cure of Soules, whereunto hee is tyed and bound by law: For the cleering of this point, ſuppoſe a Benefice bee worth three hundred crownes a yeere, this is ſure to be charged, being ſo great a liuing, with a penſion of the largeſt ſize, namely ſome 200. that ſo a 100. may be left for the Incumbent. He then that comes to it in this manner, paies down 1000. crownes for the penſion, and 100. more for the Writing and Seales of his Bulles, and for expedition: and ſo all laid together, he buyes his liuing of 300. a yeere, at the rate of thirty for the hundred, beſides his perſonall ſeruice and cure of Soules.

3 Moreouer, whereas in the holy Councel of *Trent*, certaine ſimoniacall tricks & deuiſes, cald *Regreſſus*, and *expectatiue* are flatly forbidden: the Pope to delude the Councels decree, grants *Coadiutorſhips*, with aſſurance of future ſucceſſion after his death, to whom he is made a *Coadiutor*, but makes them pay one yeeres profit for the expediting & diſpatch of their Bulls. Now theſe *Coadiutorſhips* are the very ſame, and tend to the very ſame end, euen to bring in by hooke and crooke, huge ſummes of mony, for by theſe penſions and buying out of penſions, this Pope hath ſcraped vp twenty hundred thouſand Scutes, al which he hath beſtowed in buying Lands for his Nephew. It is a common tricke in Rome, as they that either reade or trauel, do wel know that Popes and

Cardinals in theſe latter times call their owne baſtards brothers or ſiſters children. But *Alexander* the ſixth, and *Paul* the third, in elder times dealt more plainely, and were not aſhamed of them (though baſtards) but kept them in Court & aduanced them to honor as their children, as *Caſar Borgia*, the Duke of *Parma*, and many more. Theſe particulars I am ſure of.

1 He bought of *Sarelli* a goodly large territory, called *Rignanum*, neere vnto Rome, at the price of 353000. Scutes.

2 The cittie of *Sulmona* in the kingdome of *Naples* he bought of the King of *Spaine*, and gaue for the ſame the ſumme of 150000. Scutes.

3 Hee purchaſed thoſe goodly demaines called the foure *Caſalia*, within the territories of the Citty of Rome, which coſt no leſſe then 700000. Scutes.

4 In the mountainous Countries belonging to the Cittie, which are commonly at ſixe in the hundreth, he made a purchaſe that ſtood him in 400000. Scutes.

5 He hath built a Pallace, and called it after his owne name, the Pallace of the *Borgheſies*, vpon the fabrick whereof he hath beſtowed 300000 Scutes.

6 He hath ſo inriched the Cardinal *Borgheſie* his Nephew in priuate ſtock and wealth, that his very mooueables are eſteemed worth 600000. Scutes.

Good God, what a mighty wealth is here? and I appeale to any that knows the Court of Rome, if this could be by any meanes got together into the Popes owne coffers and priuate purſſe, but onely

onely out of that office of the benifices called the *Datarie*. Therefore this one demonſtration is preſumption ſufficient enough to proue his foule and deteſtable Simony, ſeeing it is certaine that the whole name and blood of the *Borgheſies* were but of a meane eſtate, nay many of them are knowne to haue run out of their liuings, and to bee little better then bankerouts when this man got the Popedome.

4 Yet notwithſtanding, that our fayre and ſincere dealing may better appeare. I will iuſtifie all I haue ſayd to be true, out of the authenticall bookes, records, and writings, extant no where elſe but in Rome it ſelfe. For out of the Regiſter of the Popes Buls it ſhall appeare, to whom each Benefice hath been giuen, and with what penſions they haue beene charged. And it ſhall alſo appeare, that the Pope hath reſerued all thoſe penſions in ſuch a ſecret mental reſeruation, as it was neuer knowne for whom, or to whoſe vſe they were reſerued. But it ſhall be found that the ſayd penſions were afterward by compact extinguiſhed with the Maſter of the *Datary*, as the Proctor of that vnknowne perſon, to whoſe vſe the Pope had formerly reſerued them in his ſecret thoughts. The *Spaniſh* nation can giue large teſtimony in this caſe, for many *Spaniards* haue dealt in buſineſſes of Benefices at Rome, & haue tranſacted them in this manner: If therefore they bee called and compelled by ſouereigne power that needs not feare the Pope to tell the truth, euen they alone can make all good that I haue ſayd. And for better helpe to the truth, I here make it knowne, that the Buls inſtruments

and writings of and concerning the ſaide Symonicall bargaines, and buying of Benefices, are all to be found in the office of *Bettus* a publike Notary to the *Auditor of the Chamber*, in a certaine particular record there kept in ſecret belonging ſpecially, and onely to the *Borgheſis*.

Iacobat. Card. de Concil. l. 4. art. 3. nu. 55. & plur. ſeq. C. patet. 1. q. 1. & c. per tuas de ſimonia. & in c. presbiter. ver. ſimoniarũ hæreſini. & in c. bened. & c. ver. in maledictoné conuertit. & c. cauendum. 1. q. 1 Iacob Dom. nu. 59. & ſeq.

5 Now for theſe ſo notorious Symonies of the Pope, that a generall Councell is to be ſummoned, and with al haſte called together all the learned in the world do know, as the famous Cardinall *Iacobatius* proues at larges: for it is a cleere caſe in Law, that Symoniſts are to be deteſted & euen ſpit vpon by al meanes no better then prime and principall heretickes, not one but ancient & authenticall Canons do affirme it. And the foreſayd Cardinall doth there teach, and produceth many authorities to confirme it, that a notorious Symoniſt is a plain hereticke: now hereſie as it is great in all, ſo is it moſt greeuous, horrible, and enormous in the Pope, for he is appointed to ouerſee the Church & well to gouerne it, but hee may not do that by which the ſtate of the whole Church is hurt, and the very face of it beſmeered and defiled. And whereas al men, eſpecially thoſe of higher places in the world, ought all to take example of holines from the Pope (who hath the title of holines giuen him, which is to no creature elſe in the world.) Contrariwiſe, by theſe his notorious Symonies, deuotion and religion decaies in the world, & is in danger to be vtterly extinct, when all the Princes, great perſons, and lay Patrones of the world ſhall ſee the Pope, who theſe hold themſelues bound to follow, take ſuch baſe vnworthy, & irreligious courſes, to ſell for mony

Card. Zabarel in 1. conſtitutis de regioſis do mibus.

that

that which is due only to vertues and well doing. As alſo is learnedly and largely laid downe by another Cardinall of the Romane Church.

CHAP. III.

Of many more materiall cauſes why a generall Councell ſhould inſtantly be called againſt the now Pope called Paul *the fifth: by which it is proued that he is a troubler and diſturber of the peace and quiet ſtate of the vniuerſall Church.*

WHen the Popes crime is notorious, ſo as thereby the whole Church is ſcandalized, then ought a generall Councell to bee called together, that there hee may be heard and iudicially proceeded againſt. This is cleere by a famous Gloſſe vpon the canō Law, and ſuch a Gloſſe ſayth *Panormitane* as is receiued and approued of all. And the famous Lawyers, *Baldus*, *Romanus*, *Petrus de Monte*, *Iacobarius*, &c. do teach with one conſent that all the whole world approues that gloſſe for good law. And at this day, ſince they wrote it is canonized and made authenticke by the Councell of *Conſtance*. *Panormitane* ſayth that there cannot be any error or fault knowne to bee in the Pope, by which the Church ſhall not be ſcandalized: for if he that is annoynted ſhall ſinne, the ſcandall of his offence ſhall make the people offend alſo, for proofe whereof he alledgeth *Moſes* in *Leuiticus*, and it is related in the body of the canon Law. But according to the ſurer opinion, and which

C. Si Papa diſt. 40. Abb. in cap. ſignificaſti de elect. & in c. propoſuit. col. final. de conſeſ. prebend. & in c. cum vidiſſet. col. 3. de Iudic. Bald. in c. olim de reſcript. Roman. in Conſil 124. Pet de Monte in tract. de poteſt papæ. c de concil. præeminentia. n. 13. Idem in c. de modis reſiſtendi Papæ. Eccleſiam turbanti. Iacobat. Card. intro. de Con. l. 3. art. 1. n. 170 & ſeq. Conciſt. Conſt. tit. de autorit. ſacri Concil. cap. 1. Abb. in c. præpoſuit de comeſ. preb. Leuit Rel. in c. magnæ de voto. Iacobat. Card. de concil. lib. 8. art. 4. n. 2. Math. 18. Chryſoſt. in Math.

we

Gloſſ. in cap. ſi precaue vit, 2. q. 1. 1. Reg 8.

we may ſafely reſt vpon, that Gloſſe is to be vnderſtood of ſuch a crime of the Popes as is made notorious and brought into publike notice with the greater parts of the Prelates, and Gouernors of the Church, and the Princes and great perſons that liue in the Church euen of the Laity. (And this is ſufficient to proue the Church ſcandalized if they be; and that his crimes are notorious to the Church, if they be to them:) for when Chriſt bids, *If thy brother ſinne againſt thee, &c. tell the Church. S. Chryſoſtome* interprets it thus. Tell the Church, that is, thoſe that gouerne the Church, as it is alſo related in the Canon Law, and where as the Scripture ſayth that *Salomon* turned his face, and bleſſed the whole Church or congregation of *Iſrael*, the Church is not taken for the whole people of *Iſrael* (for all the people, neither were, nor could bee preſent there,) but for the Princes, Prieſts, and chiefe of the people. Therefore then the Church is truely ſcandalized by the notorious and enormous crimes of the Pope, when they are knowne, and notice taken of them by the principall members and gouernours of the Church and Chriſtian ſtates. And that againſt a Pope thus ſcandalizing and offending the Church by his notorious miſdemeanours a generall Councel may be ſummoned and aſſembled, is out of all queſtion: and that the Councell ſo called hath power to ſet downe ſuch remedy as to them ſhall ſeeme beſt be it by correcting & reforming the Pope, if he be corrigible, and his faults may admit pardon, or by depoſing him, if he be vncorrigible, or his crimes by their enormitie be not pardonable. And this the beſt Doctors do

Mantua de Concil. n. 216. Iacobat. de Concil. l. 9. art. 12. n. 18. &c

do teach and proue at large.

2 Now that *Paul* the preſent vſurper of the Papacy, doth trouble the ſtate of the vniuerſall Church, and giues occaſion of foule ſcandall to all the chriſtian world, I here vndertake to proue in many particulars.

1 Hee defends not the Eccleſiaſticall power and iuriſdiction of the Church, and the right thereof, which were maintained by his predeceſſors, and ſo by them deſcended to him, and this is notorious to all Princes and Potentates of the world, and to all Prelates and Gouernors of the Church. Nay it is ſo notorious, that it hath beene in publicke queſtion iudicially. The ſtate of *Venice* made a law, that Eccleſiaſticall perſons ſhall purchaſe nor take no more lands, and that they ſhall ſell and part with, within one yeare all that of late times they haue poſſeſſed. Likewiſe they are ſo bold as to call and puniſh perſonally, Clearkes or Clergy men in their ciuill or temporall Courts. They haue as good as extinguiſhed the power and iuriſdiction of all Eccleſiaſticall Courts within their dominion, and ſhame not openly to profeſſe that they haue full and abſolute power ouer all Eccleſiaſticall perſons through all their dominions, and that from God, ſo that in a word, there is no hope of Eccleſiaſticall immunity to be ſetled there any more. For they preſume to lay violent hands vpon Clergy men, and throw into their priſons euen regular Monkes, nay Biſhops themſelues, and command them to reueale the ſecrets receiued in confeſſion and compell them to abſolue ſinners and penitents as they thinke good. And when for theſe

Marke good Reader how farre the eſtate of Venice hath proceeded as gainſt the Pope and his power, and againſt his clergy.

outragious courſes, this Pope had layd his cenſure vpon them, and interdicted their Churches and had called in the Catholicke king to aſſiſt him againſt them, as the rebels of the Church: at laſt when all things for the warre were now in a readineſſe, he fell off like a coward, repented his doings, betrayed his friends and aſſociates, who put themſelues into armes in his quarrell, and was baſely content, not onely to reuoke the ſentence without any due ſatisfaction on their part, which muſt needs argue it proceeded from him, either vnaduiſedly or vniuſtly, but euen payd the charges, as hauing done them wrong, for he releaſed vnto them his right in the tenths of Eccleſiaſticall liuings, which would well repaire their coſts and loſſes any way ſuſtained in that buſines.

3 Secondly, Moreouer the *Millanois* and the *Florentines* haue begun to ſet at naught all rights and immunities of the Church, which with them are little better then euen dead and extinguiſht. They cal their clergy to contribute to their publike workes, & if they ſtand vpon it, they compell them: they ſuffer nothing to be publiſhed that comes from Rome, vnleſſe it be firſt examined & approued by their owne iuriſdiction. Thus the Breues & Buls of the Pope are no better vſed nor regarded with them then amongſt heretickes. Againe, thoſe of the city and ſiegnory of *Luca* haue thruſt & beaten out their Biſhop, belike becauſe he ſtood for the liberties of his Church, & compell their Clergy to aske pardon and take Indulgence from their owne Senate, which they haue in their Churches, and becauſe the Vicar generall did therfore interdict & ſuſpend their Churches

See how Popery decayes, and the Popes authority fals away and is eclipſed and abridged daily in Italy.

they

they runne vpon him with all fury, and proſecuted him with that violence that he was glad to flye for his life, aad it was high time, for had hee beene taken they had hanged him. And in a word, matters are in theſe miſgouerned times brought to this paſſe, that no man in Italy cares for any cenſure: inſomuch as that great an terrible thunderbolt, that deepe ſtriking and farre reaching cenſure the *Bulla Cœnæ* is not feared nor eſteemed by one of a thouſand. The Vice Roy of *Naples* preſumed ſo far vpon the very perſon of the Popes Nuntio, that he cõmanded him to be thrown out of the window, vnleſſe hee preſently would bee gone out of the Pallace, when alas he came into his preſence but to make ſute for certaine priſoners ſubiects of the church within that kingdome, who contrary to the liberties of the church, were committed to ſecular priſons, he craued audience onely to be a Petitioner for their releaſe, and loe how hee was anſwered and entertained. What may we looke for in *England*, *Germany*, *Denmarke*, &c. When the Popes Nuntio, a perſon priuiledged ſo many wayes, ſhall thus be vſed euen in Italy? Nor is this all, if any in that Kingdome of *Naples* take ſanctuary, and flye into the Churches, he commands them to be taken out, and executed according to Law.

Thus all Eccleſiaſticall liberties are infringed, all Immunities and Priuiledges of the Church are troden vnderfoote, euen in *Italy* vnder the Popes noſe, in his ſight and hearing. Nay the very Eccleſiaſticall Courts all ouer *Italy*, are almoſt out of vſe, and as it were aboliſhed. And

when the Pope heares hereof, or any of thoſe things, he heares it with a deafe eare; hee cares not for it, it moues him not, and leaſt he ſhould be moued with any ſuch thing, he takes order to heare of nothing that is tedious or troubleſome, or that may bring any griefe, ſorrow, or care with it. If any thing be written from any of the Nuntioes or Legates, that toucheth the wrongs done to the Church, or infringing and weakning of Eccleſiaſticall Immunities, the Packets are alwayes intercepted by Cardinall *Borgheſius* his Nephew, who forthwith opens all the Letters, and giues him notice of ſome genenerall matters, and ſome ſuch generall and idle anſwere is againe returned, but no particular is told him of any moment, leaſt it hat ſhould diſquiet his Holineſſe, and thus all buſineſſes that concernes the Churches good lies vtterly neglected. Theſe things are notorious to all Kings and Princes, and all the Prelates and Clergy do feele it to their ſmart and ſorrow; for they ſee and find that all rights of the Church, and liberties Eccleſiaſticall are falling away to nothing.

4 Now that ſuch ſluggiſhneſſe and careleſneſſe in the Pope and neglect of the Church, and rights of the ſame, by him to whom belongs of duty the conſeruation thereof, is of great ſcandall to the Chriſtian world, and is therefore a iuſt and a powerfull cauſe why a generall Councell ſhould preſently be called for the due examination and reformation thereof, is a plaine caſe. And *Durandus* that great Doctor and good Biſhop doth ſtrongly proue it: And it is an ouer-

Durandus de modo generalis con. celeb. par. 3. c. 39.

ruled

ruled caſe, yea a little granted, that he that is altogether vnprofitable or vnfit for the duty of his place, is all one with him that is dead: By vertue of which rule it followeth, that as when the Pope is dead, it belongs to the Electors to fall to the choiſe of another to ſucceed him; ſo when a Pope is become altogether idle and vnprofitable, and conſequently hurtfull to the Church, prouiſion ought to be made for the Church, either by his reformation, or ſetting another in his roome, as Cardinall *Iacobatius* proues at large. C. inter corporalia de translatione Epiſ. Card. Iacobat ibid. l. 4 art. 3.

5 It muſt not be denyed, but that *Conſtantine* the great, after he was ſetled in the Empire, gaue to the Church, Rome as it ſtood, and great lands together with it: and why all this, but that the Biſhop of Rome might be able to maintaine the dignity and iuriſdiction of the Church, and to augment the ſame continually: Hereupon the reuenues of the Church grew ſo exceſſiuely, as *Sixtus* the fifth, beſides all his expences, & debts he paid, and many great workes hee perfected, ſome of them being exceeding coſtly, laid vp euery yeere in the Caſtle of S. *Angell*, ten hundred thouſand Scutes: From the time of *Sixtus* to this day, Saint *Peters* patrimony is not at all diminiſhed, but well aduanced by the acceſſe of the goodly Citty and State of *Ferrara*: And at this day it muſt alſo bee richer in regard of the great parſimony this Pope practiſeth in ſome kinds, for whereas before his time there was ſpent in the Popes Court monthly 30000. Scutes, in expences of the Palace. *Paul* that now is, hath brought it downe to 5000. Now then, what becomes of ſo great treaſures of the Church? Why

is he ſuffered to conſume and deuour it? but if he ſay it is all forth comming, why then is it not made to come forth, and be imployed in maintaining and recouering the dignity, rights and royalties of the Church? if it be not thus imploied, nor in ſome other publike vſe for the honour and good of the Church then where it is? It is fit the Church ſhould know where her own treaſure is, and it belongs to the Emperour and other Chriſtian Monarches to know what is become of it, and no doubt but by the lawes hee may call the Pope to queſtion, and to account in this caſe, for it is a rule that a Priuiledge though once lawfully and reaſonably granted, as this was by *Conſtantine* to the Pope, if it begin to be hurtfull and preiudiciall, may be lawfully recalled, and conſequently the Emperour and Chriſtian Princes may take theſe huge ſummes which thus are ſtole away, and embezilled by tyrants, and thoſe that haue thruſt themſelues into the vnlawfull poſſeſſion of them, & imploy them in defence of the Romane Empire, and other Chriſtian dominions, and in the augmentation of the ſame; by the recouery of the Kingdomes and Countries loſt from the ſame.

C. Suggeſtum de decimis.

6 3. Againe, this Pope diſturbs the ſtate of the vniuerſall Church, in ſetting to ſale the profit and reuenues of Church liuings, and making them things vendible, which is contrary to the nature of them: He hath giuen licenſe to very many Biſhops, to pawne or morgage the rents and reuenues of their Biſhoprickes for ten yeeres to come, vpon pretence thereby to pay their fathers debts. He gaue this leaue to the Cardinall

de

de Lenis, being Biſhop of *Miletum*, that he might pay 100000. Scutes of his fathers debts. And as ſoone as this vnworthy Biſhop (but worthy enough for ſuch a Pope) had morgaged all the profits of his Biſhopricke for ten yeeres, and that morgage was made good by the licenſe and confirmation of the Pope, by and by after, he beſtowed on the ſaid Cardinall the Archbiſhopricke of *Ferrara*, and ſo he left the Biſhopricke of *Miletum*, a title without profit, a ſhaddow without a body to him that ſhould haue it. He gaue leaue to Cardinall *Spinellus* to pawne the profits of his Biſhopricke for ten yeeres. Nay to Cardinall *Montalto*, to morgage the reuenues of three Abbies: Monſtrous things, and not heard in the worſt and moſt licentious times, and not once thought of in the daies of his Predeceſſors. Now if any of theſe Morgagers dye, as like enough they may in ten yeeres ſpace, no worthy man wil ſucceed them in thoſe places, or if they doe, they haue bare names without any liuing at all, to the great ſhame and ſcandal of the Chriſtian church, and the danger of vtter vndoing thoſe places ſo morgaged: In this reſpect therefore he is to bee held an vnſufficient, vnworthy, and vnprofitable Pope, ſeeing he ſo deſtroyes and conſumes the Church reuenues committed to his truſt, and the Law is cleere that it is ſo.

74. Yet further. This *Paul* troubles the ſtate and peace of the vniuerſall Church, in not duely puniſhing the foule faults and ſhamefull crimes of his Cardinals, and other great perſons in the Court, and in the Church abroad, all which are his ſubiects and creatures: for by the Law he is

Cap. 2. ſect. final. deſtrat. Mon.

no

no better then a dog, or a filthy ſhameleſſe creature that corrects not the enormous crimes of them that are vnder his power. And *Durandus* proues it, that ſuch a one is not to be held or called a Pope. Now how farre he hath misbehaued himſelfe in this kind, and how foulely hee hath ſhamed all Chriſtian Religion, doe you iudge moſt wiſe King, and all other Chriſtians by theſe particulars following, which hath a trembling hand, and a ſorrowfull heart, the truth and the neceſſity of theſe times compell mee to diſcouer. Alas, how notorious is it in the Court to all that know or obſerue any thing, that two of the Clergy, nay euen Cardinals doe lye with their owne Kinſwomen, I am aſhamed to ſpeak it, euen their owne brothers wiues: and who knowes not that one of them, not onely hath one of the youths his Catamite, or Sodomiticall companion, but that he vſeth as good as all his followers in that abominable faſhion: Oh Iuſtice where art thou! Is there no place for thee in the Court of Rome? Let any man anſwere for him if they can, What iuſtice was it to command two Sodomiticall youths, an Italian the one, the other a Flemming, to be burnt in the backe, and marked for Buggerers, and to ſuffer no Proceſſe in Law to proceed againſt the filthy Sodomites that were the doers and were accuſed and openly detected by the young men. I deny not but their puniſhment was iuſt, but if that were iuſtice, what was it then to ſpare them whoſe fault was farre fouler: for by all law and reaſon, in that horrible, and not to be named offence, more foule is the fault of the Agents then the Patients, and conſequently farre greater

C. qui nec. regiminis 2. q. 7 Durandus de modo gen. con. celeb. part 1. rub. 1. n. 5. & rub. 4. n. 59.

The truth hereof, and much more as ill and worſe, M. *Shelden* confirmes on his knowledge in his Suruey of Popiſh miracles ofter then once.

greater the punishment ought to be. And why suffers he not law to passe vpon her, that as it is said poisoned his brother? Is it not because the guiltinesse of his Nephew in so foule a crime should be known to the world? Thus Iustice and Iudgement are asleep or dead, and thereby vertue is banished, vices beare rule with brazen faces.

Or at least prouided poyson for him, for the word is Veneraria.

8 Now what saith the Law to the Pope that sits and sees, and suffers these things, euen this: He is not a Bishop, but an impudent and shameless dog, that corrects not the faults of such as are vnder his power. And another text saith, that he highly offendeth God, though he be not so ill himselfe who lets the sinnes of his subiects to passe vnpunished: And if any to excuse him, say it is pitty, mercy or charity that makes him thus forbeare them: that helps not, for as *Augustine* answereth, it is not charity but lazinesse, careles nes, want of zeale, feare of God, and loue of vertue, nay, euen want of charity it selfe, not to correct great and scandalous faults, for how can that be called loue that cares not how euill any one bee? Another Text of the Law saith, that they sinne grieuously that offend and scandalize others: And another, that such scandalizing members in the Church are to be cut off, bee they neuer so great: And that for remouing of such a scandall, a generall Councell is to bee assembled, *Mantua* proues it by good Law, and the opinion of al the Doctors.

C. Nemo dist. 73.

C. Si it 23.q.4

Aug. in Epist. Iohan. relat. 23.q.5.

C. Cawndum 10.q.3. C. Ille distinct 93. C. Illud 24.q.3 C. Vxor. 24.q. 3 Mantua de concil. n. 216.

9 Fifthly, but are these all the euils and scandals the Church and Religion receiue by this Pope? Nay, yet further hee foulely disturbs the state and order of the vniuerlall Church, in gi-

uing almost all Benefices and Ecclesiasticall liuings that come to his hand, to his carnall kindred: That this is a publicke iniury and disturbance to the whole Church. *Petrus de Monte* prooues at large, in that booke he wrote of the meanes how to resist the Pope when he hurts and troubles the Church: and so doth Cardinall *Caietane* vpon *Thomas*, where he saith:

Pet. de Mont. de potest. papæ cap. de modis resistendi Papæ Ecclesiam turbanti. nu. 3.

Card Caiet. super. Tho. 2. 2. q. 100. art. 1. in fine.

The Pope is not Lord of the goods, treasures, and liuings of the Church, but high Steward of them: Neither can he by the fulnesse of his power, nor height of his Prorogatiue, giue at his owne pleasure such goods or liuings as to his owne kindred, or whom else he will, but he is bound to bee a iust, wise, and faithfull Steward, according to that of the Apostle: Now amongst Dispensers and Stewards it is expected that euery one be found faithfull.

2. Cor. 4.

See, euery one, therefore the Pope, though he be the happiest, nay rather because he is the highest, lest all vnder Stewards bee vnfaithfull by his example: Now that this *Paul* is shamefully guilty in this point, I shall make it euident to your Maiesty, & all Christendome by making knowne his daily practise.

All the Benefices or Spirituall Liuings without Cure, by what meanes they become vacant, be they great, or be they small, hee forthwith heapes them on his Nephew Cardinall *Borgheſie*: for if they bee of good value, then without delay or further consideration of any circumstances or conueniency, or distance, or sute of the people, those he giues him: If they be small, how small soeuer they be, so they bee in

Italy,

Italy, hee forthwith maketh an vnion of that little liuing to some greater, and so being vnited, that greater is giuen him also: So that there is no way for any man to obtaine any liuing in *Italy*, which by the largest sense of the Law may be iudged to bee without Cure, but onely that young Cardinall, who by these indirect and vnworthy courses, hath as many spirituall liuings on his shoulders as would well suffice halfe of all the Cardinals, for it is in euery mans mouth, that Cardinall *Borghesius* hath no lesse then two hundred and fifty thousand Scutes yearely reuenew of Church liuings, (Oh miserable and monstrous thing, and neuer heard of in the former, no not worst times!) And behold the partiality and vnequall dealing of this Pope. To the rest of the Cardinals it is a shame to see how base and niggardly he is, except to his owne creatures and vassals, and to them also more then will easily be beleeued, for as he neuer giues the any Benefice freely and simply: so he giues them but a little, & that little not cleerely; and if any man tender a resignation of a liuing for another, simply and freely he will neuer admit it. Hee holds it for a rule to himselfe, that it is not good the Cardinals he makes himselfe be ouer rich, but rather poore then rich, therefore hee giues them generally of the smaller liuings: And if sometime perhaps he bestow on any speciall fauourite of them, some rich Abbey or good Bishopricke, he chargeth it with some good round pension to bee yeerely paid out of it to his Nephew *Borghesius*, so as he leaues to the possessor neuer more then 2000. Crownes a yeare at the highest rate, and in the

like manner are all the Bishoprickes of the world bestowed that are in the Popes guift. By which meanes almost all the Cardinals are but *Borgheſius* factors or Stewards, to gather vp the pension and other profits accruing to him out of Bishoppricks & Abbiees, and to pay them in to him. Againe, he suffers his Nephew to take and leaue, to chop and change, and turne ouer all the Bishoppricks and great liuings as he list. He gaue him the Arch-Bishoppricke of *Bononia*, which whilst he held, there fell a possibilitie, that the Arch-bishopprick of *Ferrara* better then the other would shortly also be void, and because hee could not by the law hold them both, a way was therefore deuised, that *Bononia* should be resigned, and so it was; but how? not honestly, plainly, and simply. But hee found a base fellow who was content to beare the name of the Arch-Bishop of *Bononia*, and accept his resignation, but to bee content with some 2000. crownes a yeere, and to be steward and factor for *Borgheſie* for all the rest, which is much more then was left to his successor, for his personall attendance Episcopall labours and expences. Mighty God, what infinite summes of money come in continually to that Nephew of his? Arise O God of Iustice, looke into it, and stirre vp some that shall call it into question, & examine what is become of it. Now how much the quiet state and good order of the vniuersall Church is disturbed by these courses, who knowes not, nay who almost feeles not: for by this meanes nothing is giuen for learning, nor to learned men: but they be learned men that the Church hath need of; and not proud, pampered full

full fed Asses, which exalt themselues aboue the Cedars of Libanus, though if you speake of learning they be as blind as Moles, dumbe as a fish; wise as Woodcocks, and scarce can tell how many fingers are on their right hand. But no matter for all this if they be his and his Nephewes fauorites or kin to them. And yet *Durandus* in his booke written of the authoritie of a Councell, teacheth and proueth that the Church by a generall Councell ought to prouide and take order that the Pope do not exalt and enrich his carnall kindred by the Church liuings, or Ecclesiasticall treasure, and that he bestow not more on such of his kindred as be in holy orders then shall be agreeable to their state, condition, and deserts, & that he raise not his kindred to honour and nobilitie aboue a competent proportion. But seeing this *Paul* surpasseth all his predecessors in this point, my motion therefore is but iust, legall and reasonable, that a generall Councell be called against him, to reforme this foule disorder.

Part. 3. rule 28 nu. 11.

10 6. And to conclude this Catalogue of his enormous disorders and disturbances of the Church, who knowes not how much it concerns the honour and happy welfare of the Church, that the Cardinals of the Romane Church be euery way good and worthy men. To which end for preuenting of future mischiefes in that kinde it was thus decreed in the Councell of *Basil.*

Concil. Basil. de numero & qualitate Cardinalium. Sess. 13.

Whereas the Cardinals of the holy Roman Church are the collaterall assistants to the Pope for his better gouerning, ordering, and directing the Christian world, it is behoofefull therefore that according to their name, they be indeed Cardines

that is the Hinges *vpon the ſhoulders of whoſe wiſedome the gates and doores of the vniuerſall Church may not onely depend, and open, & ſhut as occaſion is, but euen ſafely reſt and be ſuſtained. To which purpoſe the holy ſacred Synod decreeth, that hereafter firſt for their number it be ſo moderated that it bee not burdenſome to the Church, nor grow vile and contemptable by being ouer many: And we will that as farre as conueniently may bee, they be choſen out of all nations of the Chriſtian world, that ſo knowledge may better be had of all buſineſſes and affaires, falling out in euery country, and order taken in all things the more ſeaſonably as the buſineſſe ſhall require. Prouided their number ſhall not exceed 24. And of this number there may be ſome, but very few the Sonnes, or Brethren, or nephewes of Kings or great Princes, in whom in regard of their excellency and eminency otherwiſe, a competent meaſure of learning ſhall ſuffiſe, being accompanied with circumſpection, or experienced in wiſedome, and gentleneſſe of manners, &c.*

You ſee what order the Councell tooke: and if you would know what minde the Doctors are of touching this poynt, let *Iacobatius*, himſelfe a Cardinall ſpeake for all: he after a long and ſerious diſputation vpon this very matter now in hand, thus concludes:

I am cleere of opinion, nay I beleeue it, that if the Pope miſled by carnall reaſons ſhall promote many to be Cardinals, who by their vnworthineſſe are incapable, and do prone vnprouitable and hurtfull to the Roman Church, that danger is ſo great that thereby is threatned vpon the whole vniuerſall Church,

that

that this alone is a ſufficient cauſe of calling a Generall Councell: and if the Pope refuſe or delay, it may aſſemble of it ſelfe without him, for a Pope refuſing to call a Councell when need is, ſeemes to make himſelfe a ſtranger to the Church, and gines cauſe to be ſuſpected in his Religion.

Theſe be the Cardinals owne words, as a reſolution to that queſtion. Now let vs ſee how this *Paul* hath demeaned himſelfe in this ſo great and weighty a matter of truſt, namely the furniſhing of the Church with worthy Cardinals: firſt hee ſets it downe for a rule, that he will haue no learned Cardinals in the Church; and why? but leſt they ſhould diſcouer his ſhamefull ignorance, & his horrible errors and miſdemeanors, and leſt they ſhould trouble his conſiſtory with motions that concerne the publike and generall good of the whole Church, which muſt needs hinder him in his proſecution of his priuate ends, which he onely cares for. Then this is the courſe: he ſeeks vp & downe the Court for ſuch onely to be Cardinals as may adhere only to his Nephew to make him Pope when it next falles voyd. To this end, firſt he will haue them yong men, who in likelihood may liue to ſee that day; next, they muſt be ignorant Aſſes, denoyd of learning; nay further, baſe, and void of al genorous diſpoſitions, that ſo they may be content with meane reuenues, and conſequently may the more abſolutely depend on his Nephew, who they know is able to do for them. And thus it is manifeſt that the Cardinals hee makes are created on corrupt & carnall grounds, euen that himſelfe may the more ſecurely rob & ſpoyle the Church for his owne time, and make

way

"way for his Nephewes (the Heretickes will vn-
"happily say his sonnes) preferment to the Papacy
after himselfe.

"11 But let vs make this good in particular in-
"stances. Harken ye good Catholickes in Eng-
"land, Germany, France, &c. Who good soules
"doe verily thinke that at Rome is nothing but
"holinesse, deuotion and mortification, and in-
deed Heauen vpon Earth: The Cardinals *Lantes*, *Capponus*, *Barberinus* and *Spinola*, where did these foure get their learning? in what Vniuersity proceeded they? nay, what learning haue they, or euer had, but to know how to make and contriue exchanges, thereby to bring in the great summes into *Pauls* purse? And how ascended they to their Cardinalships? Doe not we know the Offices they had before? and full freely they came to their red Hats, for *Paul* would not haue any thing for making them Cardinals, but hee knew well the *Auditorship* of the Chamber was richly and readily worth 70000. Scutes, the *Treasurship* of the Chamber as much, and the *Clarkeship* 50000. these offices they must part withall to the Pope freely, and then as freely they are rewarded with Cardinals hats, and shall haue the grace to be accounted the creatures followers, and fauorites of Cardinall *Borghesius*, the Popes Nephew.

And when hee hath made them Cardinals, liuing he giues them none, for hee makes such as by their liues and behauiours in their former Offices he saw could tell how to liue in a meaner place then a Cardinalship: And Pension or Benefice, he giues them none, vnlesse such as his

Nephew

Nephew is not capable of, or cannot hold by Law.

But what ſhall I ſay of Cardinall *Tontus*, *Lanfrancus de Lenis*, *Philonardus*, and others, whoſe names for ſhame I ſuppreſſe in ſilence. *Tontus* was a plaine Soliciter of cauſes, and ſo poore a one, and had ſo poore imployment, that he was cõmonly called the Solicitor without cauſes, his beſt meanes of liuing was a poore Penſion of 15. Iulios monthly out of S. *Rokes* Chappell, giuen him for playing on their Organs on feſtiual daies. Thus an *Organiſt* on the holy day, and a *Sollicitor* on the weeke dayes is fit to bee a Cardinall for ſuch a Pope as *Paul*. And as for *Lanfrancus* hee is ſo ignoble, obſcure and baſe, as to this day it is neither knowne where he was borne, nor whoſe ſonne he was, and anſwerable was his imployment, for in the Hoſpitall of them that are ſicke of incurable diſeaſes at *Naples*, he liued by helping to cure the Poxe, or French diſeaſe: Was not heere a goodly poſſibilitie and a faire ſtep to a Cardinalſhip? And yet no better place nor imployment had he when he was called thereunto: But as for thoſe other two, namely *De Lenis* and *Philonardus*, Cardinals ſhould I call them, or rather carnall beaſts, for Cardinals ſhould bee pillers of the Church, but theſe be rather pillars of hell, I ſay no more for ſhame. Behold now you Princes and Peeres of Chriſtendome, are we not brought to miſerable caſes when theſe are the men by whom the Chriſtian world & the church is to be gouerned, is not the Church like to bee well gouerned? and are we not like to haue good Popes hereafter when they are to be choſen out

Make good Reader, the Pope in his booke of Ceremonies ordaines that cardinall Biſhops are to haue precedence of kings cardinal priests of kings eldeſt ſons, & cardinall Deacons of other free Princes? Now are not theſe fit and worthy cardinals to haue precedence of Princes? and is not ſhe to be held a wiſe mother Church, and worthy to gouerne the whole world that makes ſuch equall & reaſonable ordinances? Or rather is not this the ſtepmother that hates the true children may the ſhame leſſe ſtrumpet and whore of Babylon?

of ſuch as theſe? Alas will all men ſit ſtill and ſeeke themſe'ues, & ſuffer the Church to fall to ruine euery day? What will become hereof in the end.

12. Now by all theſe the Church is the more grieuouſly ſcandalized, for that all men do verily beleeue that this *Paul* doth all theſe foule, diſordered, irregular, and irreligious things for this very end, that he may leaue his Nephew *Borgheſie* his ſucceſſor after him in the Papacy, for *Paul* being now newly paſt his middle and mature age, and but entring into that ſtate of life we call old age, hath hope enough to hold out many yeeres, and feeds himſelfe with reaſonable aſſurance that he ſhall out liue all the Cardinals created by his Predeceſſors, and ſo in his time renue the whole Colledge of Cardinals, & leaue them behind him all of his owne making. And to further the ſame end he generally makes none Cardinals but yong men that may liue long, and thoſe alſo for learning very ignorant, and for eſtate poore, that ſo they may be ſlaues to *Borgheſie*, and alwayes be pind vpon his ſleeue: and heapes vpon that *Borgheſie* all the Eccleſiaſticall liuings, and riches of the Church, beſides other infinite treaſures in Lands, Iewels, and Money, to the intent that when the Papacy ſhal be voyd, and another to be choſen, he may by diſtribution of thoſe liuings and riches amongſt the Cardinals that are electors, procure himſelfe to be choſen Pope. And thus the Papacy and the Church. and all we are bought and ſold, and therefore this miſery and miſchiefe is now in time to be preuented, for if matters goe on from ill to worſe, ruine muſt needes come to the Church and Catholike Religion.

Then

Then to conclude.

There is no wiſe or godly man can deny but that vpon theſe cauſes particularly ſpecified, and all ioyntly laid together, there is more then iuſt cauſe that a generall Councell be aſſembled for the reliefe and reformation of the Church.

CHAP. IIII.

That the calling of a generall Councell as this caſe ſtands (belongs not to the Pope) but onely to the Emperour.

ALthough it were true; and granted that the calling of a Generall Councell belongs of right to the Pope, and vpon his denyall or refuſall to the Colledge of Cardinals, as after many others Cardinall *Iacobatius* proues very ſufficiently (who handled this matter more largely then any before him) yet all that notwithſtanding when the queſtion is againſt the Pope himſelfe, and againſt the cardinals (whō he hath ſo vnlawfully created as that in law they be no Cardinals) and againſt ſuch as take part with the Pope, and are knowne to be guilty of the ſame crimes with him or them That then the calling of a General Councell belongs neither to the Pope, nor to any, nor all ſuch Cardinals, but onely to the Emperour (and other temporall Princes) is a cleere caſe to all that know the Law, yet to make it more euident to all men, I will make it good with theſe Reaſons.

Iaco. card: de concil. 3. art. 1 per totum.

When in any matter or cauſe, the conſent of a Prelate or a ſuperiour is required, according to that we finde in the Law: If the queſtion proue

(cauſam quæ de iudicijs.

to be against that superiour, then his consent is not necessary, as teach the Doctors and interpreters vpon the Canon Law. And when any Prelate or superiour, that is head of any body is suspected or questioned, all of that body that follow him or take part of him are drawne iustly into the same suspition and question, and the same iudgement is to be giuen of them as of the head; as *Vincentius* noteth, whom *Panormitan* followeth and many more, and *Baldus* likewise teacheth the same. And to conclude, the same iudgement is to be giuen of the Adherents and Partakers, as of the Principall is plaine in all Lawes, and by the Interpreters vpon the same.

In cap. cdoceri de rescript. & est gloss. in c. quam pastoris 2. q. 7. In c de iudiciis. L. 1. in prin. c. si rector preuacia, & ibi notat, Abb. in c. accedens vt late non contestata. C. ad Apl. de re iudicata l. 6. notat. in c. 1. de postulatione prælatorum & l. quæ religiosis. Et ibi Angelus F. de Rei. vindicatione.

Wherefore if the question be against the Pope and his Cardinals who by the Law are forbidden to be Iudges in their owne cause, if the question against them cannot fully be heard and iudged without a Councell. It then belongs to the Emperour of right, to call the fayd Councell: as *Iacobatius* him selfe a Cardinall proues vndeniably, and proues that in such cases is no deuolution from the Pope to the Cardinals, but from them both to the Emperour. And of the same opinion and iudgement are the Doctors that make the additions vnto *Panormitan*, and that addition which begins whether and when the Councell is aboue the Pope.

Iacobat d. art. 1. n. 71 & seq n 74. Addentes ad Abb. in c. significasti de electione addit. au. &c. in 10 limitat.

2. And if it were not thus that the Emperour might in this case call a councel, it would follow that the Pope & his Cardinals against whom the accusation is laid, might destroy the Christian faith; and ouerthrow the state of the vniuersall Church which the Emperour is not to suffer; it being

C. Nos ad finem dist. 90. L. 2. §. nouissimus F. de origine iuris l. 1. § 600. enim l. de vetere iure enucleando.

being his duty before God, & by his Law to defend the Church, for hee represents the whole common-wealth of the Christian world, and vpon him is translated, and vnto him deriued no limited authority, but a power and authority ouer the whole world. Therefore, he in the roome and stead of the whole body of Christendome, and of all the Christian people of the world is to call together that Councell against him.

3 Againe, when there is a question or notorious suspitiō against the Cardinals, as namely that they were created by the Pope after he had renounced or resigned vp the Papacy, then that those Cardinals cannot call a Councell, but that it belongs to the people to doe it, as a cleere case in the Law. And to the same purpose is the text in the distinctions. But this that the people should call, it is to be vnderstood, when the Councel is to be held in *Rome*, as Cardinal *Iacobatius* makes it apparant. But when in any other place but *Rome*, then it is euident and certaine, it belongs to the Emperor, who stands in stead not onely of the people of *Rome*, but of the vniuersall World. Yea though it were to be at *Rome*, yet in truth and strickt Law it belongs to the Emperour, seeing it is a cleere case in the Law, that the power of all the people in the world, (see, not some but all, and if all the people in the world, then of the people of Rome, as well as the rest) is translated, and conferred and setled vpon his person. And good reason, for he is a great part of the Councel himselfe, and hath a power and interest to be there in his owne right: the power therefore in this case deuolued vpon him, as the immediate superiour, as appeareth by

C.1. de rerum, l. 6. C. Si forte dist. 6. Iacobat. in d. art. 1, n. 286.

In c. nulla Eccles. Ministeria de concess. præbend.

the arguments of the Doctors vpon a special chapter of the Canon Law.

4 Now all this that I haue said & written touching this point, is according to the resolutions and conclusions which now are holden in *Rome*: for if we speake of the former times, then you are to know that from the beginning, the calling of Councels belonged onely to the Emperours. Great *Constantine* called the first generall Councell, as the Canon Law it selfe acknowledgeth: and the same also appeares in the beginning of the Councell of *Africke:* In like manner *Valentinian* assembled another generall Councell, as is also to be seene in the Canon Law, where wee reade that *Valentinian* then Emperour, called together a Councell, to pacifie and take away a scandall then raised against the Pope. And so was the Councell of *Constantinople* called by the Emperour in the daies of *Constantine*, the sonne of *Constantinus*, as wee may see in the beginning of euery Session of the Councell, as also in the Acts of the Councel of *Agatha*, in the beginning of euery action. Wherefore, though it were granted, that at this day the calling of a Councel is reserued to the Pope, and in his default to the Cardinals: yet shall it follow, that seeing they both make default, and will call none, because they both are the offenders against whom it is to be called, it therefore now belongs to the Emperour to doe it, according to that good and ancient rule of the Law. *That any thing easily reuerts to it owne and former nature.*

C. Sextam. & c. habeo librum dist. 16. c. Valentinianus dist. 63. & c. mand. 2. q. 5.

And if it bee said that Interpellation (as the Lawyers call it) must first bee made before the Empe-

Emperour may take this power, it is answered that in cases notorious Interpellation is not of necessity, but they may be adiudged defective or negligent without it, as Cardinall *Iacobatius* proues. Now the present causes of calling a generall Councell are notorious, and the scandall that by them is giuen to the whole world is more then notorious. And this rule holds, euen allowing a reasonable time, wherin probably he might haue done it, although no precise time bee limited for the doing of it, as is euident in the Law. And least of all is his Interpellation necessary, against whom the accusation is instituted, and the Councell called.

Iacobat. in d. art 1. n. 206.

Vt in simili. c. 1. §. notoria. de consil. lib. 6.

5 And howsoeuer a Generall Councel assembled by the Emperour, hath not the authority of the Pope, yet may it not therefore be held or called a Conuenticle, for that the Councell it selfe, (as hauing all absolute and Soueraigne authority, when the Papall seat is void, either *de facto*, or *de Iure)* is able and sufficient to giue it selfe authority, and in such a case all supreame power shall reside in the Councell it selfe: the head whereof is *Iesus Christ* himselfe, as *Hostiensis* the Cardinall proues euidently out of the Canon Law. And so we also doe find in the Councell of *Constance*; namely, that a generall Councell hath his power & authority immediatly from Christ, immediatly, that is without relation to, or dependance from, or any interposition of the Pope, either when there is no Pope, or such a one as will not preuent great mischieses and euils that be eminent ouer the Church. And no lesse is also affirmed and proued by the foresaid Cardinall *Iacobatius*.

Host. & refert gloss in c. 1. de schis. l. 6.

Iacobat. Card. in d. 197.

Nay,

Nay, to make all ſtronger. The Councel when it is aſſembled, may require the Pope to confirme it, which if he refuſe to doe, the Councell hath iuſt cauſe to hold him in ſuſpition of Hereſie for his refuſing to confirme it, and may interpoſe it owne authority in ſtead of the Pope, and this is the very doctrine of that often mentioned Cardinal *Iacobatius*.

6 Nor is it to purpoſe to obiect that thus the Councell ſhall giue authority to it ſelfe, and to it owne acts (which is againſt reaſon and Iuſtice) for the Councell repreſents the whole vniuerſall body of the Church, the head whereof is Chriſt; neither are the acts of a Councell the acts of any particular perſon, priuate nor publicke, and conſequently not alike to this, as alſo the ſame Cardinall teacheth in the ſame place. And yet we are to know for this point, that as a Iudge may lawfully pronounce himſelfe to bee a competent Iudge; when being ſo, it is queſtioned whether he be ſo or no: So alſo may the Councell pronounce it ſelfe a lawfull Councell, and lawfully aſſembled, and that ſentence ſhall bee good, certaine and vncontrollable, and ſo was it done in the Councel of *Conſtance*, as appeares in the publicke Records of the ſame Councell.

Id. in d. art. 1. nu. 206.

Art d. c. 1. nu. 206.

c. Super literis de reſcript. Seſſ. 3. c. 1.

Cardinall Iacobatius *is ſo often alledged, for that he is an Authour allowed in* Rome, *in Schooles and Courts, and his Concluſions are held good, and generally receiued at* Rome, *ſo that his Authoritie is beyond all exception.*

FINIS.